



University of Pennsylvania
ScholarlyCommons

Honors Theses (PPE)

Philosophy, Politics and Economics

4-7-2021

We the People, in Order to Form a More Perfect... Electoral College

An analysis into electoral reform problems, proposals, and possibilities

Joelle Gross

Follow this and additional works at: https://repository.upenn.edu/ppe_honors

Gross, Joelle, "We the People, in Order to Form a More Perfect... Electoral College An analysis into electoral reform problems, proposals, and possibilities" (2021). *Honors Theses (PPE)*. Paper 45.

This paper is posted at ScholarlyCommons. https://repository.upenn.edu/ppe_honors/45
For more information, please contact repository@pobox.upenn.edu.

We the People, in Order to Form a More Perfect... Electoral College An analysis into electoral reform problems, proposals, and possibilities

Abstract

Given the structure of our Electoral College, there are places in the United States in which votes simply matter more. Many Americans believe the Electoral College is unfair, antiquated, and in desperate need of reform. However, alternative electoral proposals designed to reform our current system may not provide the benefits we seek from an ideal electoral process. In my thesis, I compare and contrast the current winner-takes-all method of allocating a state's electoral votes to one of its most similar and realistic alternatives—the district plan. I compare the two systems against several criteria that are vital to a well-functioning and healthy democratic process: legitimacy, inclusiveness, neutrality, simplicity, equality, participation, and feasibility. Overall, my results demonstrate that while the district plan might offer certain advantages—for example, increased electoral legitimacy, an expanded campaigning map, and the possibility for higher rates of voter turnout nationwide—these benefits are neither numerous nor profound when considering the immense hurdle of passing an electoral reform amendment. Ultimately, the future of electoral reform rests either on an emphatic embrace of the current system or an abolishment of the Electoral College and complete restructuring of the electoral process—no in-between compromise is worth the price.

We the People, in Order to Form a More Perfect...

Electoral College

An analysis into electoral reform problems, proposals, and possibilities

Joelle Gross

Submitted to the Philosophy, Politics and Economics Program at the University of Pennsylvania

in partial fulfillment of the requirements for Honors.

Thesis Advisor: Marc Meredith

Date of Submission: April 7th, 2021

WE THE PEOPLE IN ORDER TO FORM A MORE PERFECT
ELECTORAL COLLEGE
AN ANALYSIS INTO ELECTORAL REFORM PROMBLEMS, PROPOSALS, AND POSSIBILITIES

COPYRIGHT

2021

Joelle Haley Gross

This work is licensed under the
Creative Commons Attribution-
NonCommercial-ShareAlike 3.0
License

Abstract

Given the structure of our Electoral College, there are places in the United States in which votes simply matter more. Many Americans believe the Electoral College is unfair, antiquated, and in desperate need of reform. However, alternative electoral proposals designed to reform our current system may not provide the benefits we seek from an ideal electoral process. In my thesis, I compare and contrast the current winner-takes-all method of allocating a state's electoral votes to one of its most similar and realistic alternatives—the district plan. I compare the two systems against several criteria that are vital to a well-functioning and healthy democratic process: legitimacy, inclusiveness, neutrality, simplicity, equality, participation, and feasibility. Overall, my results demonstrate that while the district plan might offer certain advantages—for example, increased electoral legitimacy, an expanded campaigning map, and the possibility for higher rates of voter turnout nationwide—these benefits are neither numerous nor profound when considering the immense hurdle of passing an electoral reform amendment. Ultimately, the future of electoral reform rests either on an emphatic embrace of the current system or an abolishment of the Electoral College and complete restructuring of the electoral process—no in-between compromise is worth the price.

Table of Contents

ABSTRACT	3
INTRODUCTION	6
LITERATURE REVIEW	9
INTRODUCTION	9
FEDERALISM AS A CORNERSTONE OF THE ELECTORAL SYSTEM	9
THE FRAMERS' VISION FOR ELECTING THE PRESIDENT	11
THE ELECTORAL COLLEGE AS A PRO-SLAVERY TOOL	13
DIRECT ELECTION: ELECTORAL PROPOSALS WITHOUT THE ELECTORAL COLLEGE.....	14
DISTRICT PLAN	15
PROPORTIONAL PLAN	15
NATIONAL POPULAR VOTE INTERSTATE COMPACT	16
ELECTORAL COLLEGE PROPOSALS: BENEFITS	19
PROPORTIONAL PLAN	22
DIRECT ELECTION: DRAWBACKS	23
ELECTORAL COLLEGE PROPOSALS: DRAWBACKS	24
DISTRICT PLAN	25
PROPORTIONAL PLAN	27
THE PROBLEM OF FAITHLESS ELECTORS	31
AN ALTERNATIVE ELECTION PROCEDURE: RANKED CHOICE VOTING.....	34
POSSIBILITIES OF A CONGRESSIONAL AMENDMENT FOR REFORM	36
CONCLUSION.....	39
THE DISTRICT PLAN: CASE STUDY ANALYSIS.....	41
MAINE.....	41
NEBRASKA	44
RECENT EFFORTS FOR REFORM.....	47
WHAT TO TAKE AWAY FROM MAINE AND NEBRASKA	48
METHODOLOGY	50
RESEARCH PROBLEM & METHODOLOGICAL APPROACH	50
DATA COLLECTION.....	51
METHODOLOGICAL APPROACH BY CRITERIA	52
RESULTS.....	56
LEGITIMACY	56
INCLUSIVENESS.....	58
NEUTRALITY	64

SIMPLICITY	68
EQUALITY	70
PARTICIPATION	73
FEASIBILITY	77
CONCLUSION OF RESULTS	80
<u>CONCLUSION</u>	<u>82</u>
<u>BIBLIOGRAPHY</u>	<u>85</u>

Introduction

Voting is one of our most prized privileges in America. Our democratic process forms the foundation of American pride. Yet, our revered and celebrated system is so painstakingly, inherently, and obviously unequal. In the months leading up to the 2020 Presidential election, I moved from New Jersey to Pennsylvania. As a Pennsylvanian, I was bombarded with emails, texts, mailers, and messages from friends telling me that it was *imperative* that I voted in this election. This was quite the contrast from my experience as a New Jerseyan, where the get-out-the-vote measures were practically silent. This stark contrast in my experiences between the two states was abundantly clear: in one place, I felt my vote mattered; in the other, I did not. I am motivated to write this thesis because I can't stop asking myself: does it have to be this way?

Voting is the pinnacle of equality in American democracy: every person is allocated one vote and one vote only. Not only is voting one of the most fervent symbols of equality, but it is also one of, if not the, most important and most utilized activities of an active citizen. According to Verba, Schlozman, and Brady in *Voice and Equality: Civic Voluntarism in American Politics*, “casting a ballot is, by far, the most common act of citizenship in democracy because electoral returns are decisive in determining who shall govern”.¹ As Verba et. al explicate, voting is not only most important, but also the clearest and most direct act to realize institutional change. The perceptions of how impactful an individual vote can be in this process varies state to state. These perceptions and experiences cascade into all aspects of our political efficacy, especially individual motivation to cast a vote at all. Therefore, not only does it matter that our vote matters,

¹ Sidney Verba, Kay Lehman Schlozman, et Henry E. Brady, *Voice and Equality: Civic Voluntarism in American Politics* (Cambridge, MA: Harvard University Press, 1995), 23.

but the most effective electoral system should maximize equalizing that power, (that feeling that “I matter”) for voters across the country.

For centuries, this question of whether our electoral system has to be this way has driven the call for electoral reform. Today, the majority of Americans believe the Electoral College is an unfair and antiquated system. At many instances throughout our history, we came close to effecting sweeping change; however, on the whole, the system has remained largely intact. If electoral reform has been a consistently popular measure over time, why hasn’t it happened? If our electoral system has been overwhelmingly dismissed as unfair, confusing, and outdated, what are we waiting for? If the winner-takes-all system is less than ideal, is the alternative any better?

A practical approach may offer the best avenue to answer these questions. The possible options that have been proposed over time—direct election, instant runoff, proportional plan, and so many more—could span the length of a dissertation, so I have decided to focus on comparing our current system with its most similar, most realistic alternative: the district plan. The district plan retains the Electoral College votes as we know it; however, it changes how they are allocated. Two electoral votes are awarded to the winner of the statewide popular vote and then the remaining electoral votes are allocated by congressional district—in other words, whoever wins the popular vote in that district gets the electoral vote.

By utilizing this method of comparison, I hope to unveil some of the advantages and disadvantages of the Electoral College. While the disadvantages might be clear, the advantages may be hidden due to the fact that the system is always scrutinized in a vacuum. My plan is to examine the two electoral systems on a metric of several criteria relevant to a healthy and well-function electoral process—legitimacy, inclusiveness, neutrality, simplicity, equality,

participation, and feasibility. By analyzing these two systems in multiple ways, I start the process of revealing whether electoral reform is a dire must or more of a fantasy. Perhaps, the Electoral College, as is, is the best we can do.

Literature Review

Introduction

Scholarship on the Electoral College, its effectiveness, and the possibilities for its reform spans decades, reaching as far back as the ratification of the Constitution itself. In my literature review, I analyze the findings of prominent scholars surrounding the heated debate and division over the Electoral College. Reform proposals are the alternative methods to the winner-takes-all method; the current method, observed by 48 states, allocates all of a state's electoral votes to that state's popular vote winner. I also analyze benefits and drawbacks of the two possibilities for electoral reform: proposals which would abolish the Electoral College in its entirety and those which would retain the Electoral College but employ alternative methods for allocating electors aside from the current winner-takes-all system. Ultimately, I demonstrate that Electoral College reform, and in essence, the implementation of any electoral system, is a series of tradeoffs between feasibility of implementation, political equality, and confidence in legitimacy and ease of recounts.

Federalism as a Cornerstone of the Electoral System

Federalism is the backbone of the Framers' conception of our electoral process, yet today, in the debate among scholars and citizens alike, it is both one of the most celebrated elements and the largest roadblocks to electoral success. Federalism is cemented in the Electoral College in four distinct ways: 1) appointment of electors by state legislatures, 2) the two electors representing senatorial seats that each state is allotted, 3) and the process of invoking a house contingency election which is used when the electoral winner fails to reach a majority of the

vote, and 4) states differing in how they structure the elections that select the electors. Robert Hardaway, a proponent of federalism and of preserving the framers' intentions of the Electoral College, details in his book, *Saving the Electoral College: Why the national popular vote would Undermine Democracy*, that the crucial role of the two senatorial seats, "reflects the weight that each state will be given in the presidential elections process." Hardaway demonstrates that these two seats are more than simply ceremonial; changes to vote allocation would undermine the power that states, do and should have in the process. Randall E. Adkins and Kent A. Kirwan, on the other hand, highlight the nuance of federalism in the fight for a perfect electoral system: "federalism is often the main target of those who would abolish the Electoral College as well as the primary feature that prevents ratification of a constitutional amendment to abolish it." This quote demonstrates that federalism lies at the heart of this frustrating debate; any attempts to extract it from the electoral process must be heavily scrutinized.

Hardaway, as well as other lawmakers, demonstrate further not only why federalism matters but what is its function in the democratic process. Hardaway quotes John F. Kennedy in his defense of federalism: "direct election would break down the 'federal system' ...[which] provides a system of checks and balances to ensure that no area or group shall obtain too much power."² Checks and balances, a core tenet established throughout the Constitution, as Kennedy demonstrates and Hardaway echoes, is just as essential in the electoral process as anywhere else. Gary E. Bugh, another prominent scholar on electoral reform, expands on the role of federalism beyond just as an arbiter of checks and balances. He discusses the heated debate that surrounded the 1970 Senate resistance to direct election stating that the popular vote would eliminate the very heart of constitutional order, community. More specifically, he cites Senator James Strom

² Robert M. Hardaway, 1.

Thurmond (R-SC), who believed that federalism was designed to preserve the inseparable nature between the individual person and their community.³ According to these scholars and American leaders, the federalism of the Electoral College is emblematic of America's core precepts: preservation of the bond between individual and local community as well as a system of checks and balances between powerful political factions.

The Framers' Vision for Electing the President

While the framers' were empathetic about maintaining federalism throughout the Constitution, an investigation into their enthusiasm and confidence in the Electoral College allows scholars today to sincerely question our attachment to an electoral system that its creators may have, themselves, been misguided in loving.⁴ George C. Edwards, one of the prominent and outspoken proponents of abolishing the Electoral College details in his book, *Why the Electoral College is Bad for America*, that there was little debate over the Electoral College after it was ratified. This lack of debate led some framers such as Alexander Hamilton to feel confident in the plan. However, Edwards points out that this "confidence" could have been a result of Constitutional Convention fatigue and a desire to avoid further disagreement over constitutional elements which had been belabored.⁵ While the framers' believed federalism in our Electoral College to be invaluable, reevaluating the notion that the Electoral College is the best practical implementation of that vision is worthwhile.

³ Gary E. Bugh, "Representation In Congressional Efforts to Amend the Presidential Election System," in *Electoral College Reform: Challenged and Possibilities* (Burlington, VT: Ashgate Publishing, 2010), 15–16.

⁴ Adkins, "What Role Does the 'Federalism Bonus' Play in Presidential Selection?," 75.

⁵ George C. Edwards III, *Why the Electoral College Is Bad for America*, 3rd ed. (New Haven: Yale University Press Books, 2019), 102–4.

Edwards illustrates several key factors which were instrumental to the Framers' choice to create the Electoral College as we know it today. First, the framers hoped to limit electoral fraud and believed the Electoral College method promised the "detached existence" of electors. They believed this structure would prevent the electors, and the overall system, from being susceptible to bribery. Most notably, however, framers were unconvinced that under a direct election system the electorate could make informed and reasonable choices. Yet, Edwards notes that many delegates were in favor of direct election, and despite this support, there was legitimate concern regarding its implication, particularly how to appropriately control for the population sizes which greatly differed from state to state. The Electoral College made sense to the framers not only as a way to prevent bribery and confer legitimacy, but also as a compromise to adhere to the interests of both large and small states.⁶

Hardaway provides a vastly different portrayal than Edwards of the framers' intentions in creating the Electoral College. According to Hardaway, understanding how the framers intended the Electoral College to function is best done when looking at the Constitution as a whole document: "such intent is best gleaned by considering the entire Constitution in context".⁷ While Edwards certainly provides more concrete reasons for exactly which intentions drove the creation of the Electoral College, both historians apply a slightly biased slant in recounting this origin story, both which further their respective preferences on the Electoral College. Michael T. Rogers provides yet another interesting voice in the conversation in his article, "A Mere Deception- A Mere Ignus Fatus on the *People of America*" in stating that

"most opponents to the popular election at the Convention provide reasons that are not consistent with the common assumption today that the founders distrusted the common man and the representative democracy as a mechanism for choosing the chief magistrate. In actuality, most opposition appears to stem, on the one hand from logistical impracticality

⁶ George C. Edwards III, 104–18.

⁷ Robert M. Hardaway, *Saving the Electoral College: Why the Popular Vote Would Undermine Democracy*, 32.

in a county of the scale of the United States (especially given limited technology and such a locally oriented people).”⁸

Rogers’ description sheds light on how practical considerations, especially in detailing protocol regarding how they would physically implement an election on such a wide scale with limited technology, plagued the framers to such an extent, and this fact is often lost on Americans today. Edwards, Hardaway, and Rogers provide three distinct interpretations of the framers’ intentions—while all valuable—their differences clarify that weight given to any one or two particular considerations that the framers might have had is not as helpful in evaluating the Electoral College as it would be to measure it against the current needs of the country.

The Electoral College as a Pro-Slavery Tool

Not only did the Electoral College protect the interests of slaveholders, under this system college slaveholders had undue power and consequential effect in presidential elections. Because slaves counted as 3/5 of a person, southern states received an electoral bonus through their slave population.⁹ This bonus equated nearly 60% of the slave state population, which served as an incentive for these states to enslave even more people.¹⁰ For example, in 1790, Virginia and Pennsylvania had the same number of free white men, but Virginia’s additional 300,000 slaves allotted the state six more House seats and therefore six more electoral votes.¹¹ This disproportionate power of southern states was known as “Slave Power”, and it impacted the electoral process as early as the presidential election of 1800. The election was decided by a

⁸ Michael T. Rogers, “A Mere Deception- A Mere Ignus Fatus on the People of America,” in *Electoral College Reform: Challenges and Possibilities* (Burlington, VT: Ashgate Publishing, 2010), 18.

⁹ George C. Edwards III, 104–18.

¹⁰ Jesse Wegman, *Let the People Pick the President* (New York: St. Martin’s Press, 2020), 74.

¹¹ Jesse Wegman, 105.

House of Representatives vote, where Thomas Jefferson, the favored candidate in slaveholding states, won the Electoral College vote 73-65 due to the additional 12-14 votes he received from “slave-representing” representatives.¹² Jefferson would not have beat the incumbent John Adams without the help of “Slave Power”, revealing some of the most harrowing and detrimental effects of the Electoral College. The complex relationship between the Electoral College, slavery, and its role in propagating it, illustrates that this system for electing the president is in fact a relic of the past and may be unfit to appropriately adhere to the needs of our electorate today.

Direct Election: Electoral Proposals without the Electoral College

The direct election plan, which would establish a winner by the national popular vote and abolish the Electoral College, is both popular and promising because it prioritizing political equality above all else.¹³ Political equality, by definition, gives equal weight to every single voter’s ballot, and “provides all citizens with a way to engage in civic activity and have a voice in the governing process”.¹⁴ A concept known as, “one person, one vote”.¹⁵ Scholars such as George C. Edwards argue that direct election is the best if not the only option because the concept of political equality should not only be a significant consideration, it should take priority, lying at the core of the electoral process.¹⁶ Direct election is undeniably the electoral option which champions political equality the best, and therefore it is unsurprising that, according to Gallup polling, it consistently polls favorably.¹⁷

¹² Jesse Wegman, 105.

¹³ Gary E. Bugh, “Representation In Congressional Efforts to Amend the Presidential Election System,” 8.

¹⁴ Gary E. Bugh, 8.

¹⁵ Gary E. Bugh, 13.

¹⁶ George C. Edwards III, *Why the Electoral College Is Bad for America*, 39.

¹⁷ George C. Edwards III, 40.

Electoral College Proposals: Alternative Ways to Allocate Electors

While direct election is perhaps the most well-known, revolutionary, and favored reform policy, it is only one of the many reforms which has received congressional consideration. Proposals such as the district plan, proportional plan, and the national popular vote interstate compact, retain the Electoral College but envision alternative methods for allocating electors as opposed to the current winner-takes-all system.

District Plan

The district plan involves allocating two electoral votes to the winner of the statewide popular vote and then allocates remaining electoral votes by congressional district, namely whoever wins the popular vote in that district gets the electoral vote.¹⁸ The district plan has been debated by Congress since 1800 and throughout the nineteenth century.¹⁹ Most notably, this plan stands out to the other reform measures because it has been successfully implemented by two states: Maine and Nebraska. Another similar proposal to the district plan is the lesser-known District-Popular plan which is a blend of the district plan and direct election. Under this plan, every congressional district would receive one vote and instead of the two at-large votes being allocated to the state-wide winner, they would be allocated to the nationwide popular vote winner.²⁰

Proportional Plan

¹⁸ Michael J. Korzi, “‘If the Manner of It Be Not Perfect’: Thinking Through Electoral College Reform,” 52–53.

¹⁹ Craig J. Herbst, “Redrawing the Electoral Map: Reforming the Electoral College with the District-Popular Plan Note,” *Hofstra Law Review* 41, no. 1 (2013 2012): 238.

²⁰ Herbst, “Redrawing the Electoral Map,” 239.

The proportional plan would require electors and electoral votes to be allocated in each state according to the percentage of the popular votes won by the candidates in that state.²¹ One of the greatest questions surrounding the proportional plan is how to translate non-integer percentages of candidate popular support to electoral votes. Colorado voted on the proportional allocation of its' electors in 2004. While the state voted against the provision, had it been passed the process for allocating the votes would have involved taking the percentage of the vote each ticket received, multiplying it by Colorado's nine electoral votes, and then rounding up or down this figure to the nearest whole number.²²

National Popular Vote Interstate Compact

The National Popular Vote (NPV) interstate compact is an initiative which would achieve the direct popular election of the president and vice president without a congressional amendment.²³ Any state which agrees to the compact, will immediately award all of its electors to the winner of the popular vote regardless of who wins the plurality of votes in that state.²⁴ As of now, 15 states and the District of Columbia have approved of the plan, which encompasses a total of 196 electoral votes.²⁵ The plan would come into effect once enough states have agreed to it so that the majority of electoral votes needed to elect the president (270 of the 538) would automatically be distributed to the winner of the national vote.²⁶

²¹ Robert T. Miller, *Electoral College: An Analysis* (New York, UNITED STATES: Nova Science Publishers, Incorporated, 2011), 26, <http://ebookcentral.proquest.com/lib/upenn-ebooks/detail.action?docID=3019540>.

²² Miller, 27.

²³ Thomas H Neale and Andrew Nolan, "The National Popular Vote (NPV) Initiative: Direct Election of the President by Interstate Compact," n.d., 36.

²⁴ Neale and Nolan.

²⁵ Neale and Nolan.

²⁶ George C. Edwards III, *Why the Electoral College Is Bad for America*, 210.

Two of the primary factors which contributed to the rise of the national popular vote initiative were the several decades of unsuccessful efforts to pass a constitutional amendment that would implement a direct election system the results of the 2000 election. The 2000 election marked the first time since 1888 elected a candidate to office who won the majority of electoral votes but did not win the popular vote.²⁷ The 2000 “misfire” contributed to a flurry of research and scholarship into electoral reform possibilities. Project FairVote, an issue advocacy group, nonprofit, and nonpartisan organization is known to be the birthplace of the initiative. The plan has become well known under its manifesto: *Every Vote Equal*.²⁸

Direct Election: Benefits

The direct election method, with its absence of electors and therefore lack of intermediaries between the electorate and the election, is simple, straightforward, and to many better legitimizes results than the current system.²⁹ Michael J. Korzi highlights that under this plan there would no longer be any scenarios, like 2000 and 2016, where a “wrong winner” would be chosen because no longer can there be a gap between the popular vote and the Electoral College winner.³⁰ Like Korzi, George C. Edwards criticizes the need for intermediaries as well, yet supporters of the Electoral College deem the electors to be essential for easily translating popular vote wins into electoral wins, legitimizing the electoral process. Defining legitimacy of our electoral process, therefore, is at the crux of this debate because pro-direct election scholars

²⁷ Neale and Nolan, “The National Popular Vote (NPV) Initiative: Direct Election of the President by Interstate Compact.”

²⁸ Neale and Nolan.

²⁹ George C. Edwards III, 43.

³⁰ Michael J. Korzi, “‘If the Manner of It Be Not Perfect’: Thinking Through Electoral College Reform,” in *Electoral College Reform: Challenges and Possibilities* (Burlington, VT: Ashgate Publishing, 2010), 53.

such as Edwards deem the direct election to be the only sure path to legitimacy because there could be no discrepancy between who the people want and who is chosen, while Electoral College loyalists confer legitimacy through large margins in electoral wins. To Edwards and Korzi, even four elections where the popular vote and electoral winner diverge is too many, demonstrating the electoral system as we know it, as unreliable.³¹

The current system biases not only how campaigns make decisions, but whose voices they prioritize. Amongst first-term administrations, where second elections are on the line, presidents bias those same places when making presidential visits, allocating funds, and prioritizing policy implementation.³² The undue power that these places hold is a side-effect of this system and is why so many demand direct election. Jesse Wegman, in his book, *Let the People Pick the President*, discusses how direct election might change the landscape of campaigning, expanding the electoral map dramatically. Not only would direct election impact the sheer number of states that candidates would visit, but it would alter how federal funds are allocated in presidential policymaking. Wegman explicates how presidents have directed the most funds to swing states where electoral payoff will be greatest. However, under a vastly different electoral plan such as direct election, “presidents could use discretionary grants and funds to address the needs of people in states everywhere, including those that currently get ignored.”³³ Direct election provides an equal weight given to all voices, which expands not only to the elections process but to governing as well.

Through political equality and wide-spread campaign attention thanks to an expanded electoral map, many believe direct election would necessarily encourage increased political

³¹ George C. Edwards III, *Why the Electoral College Is Bad for America*, 43.

³² Brendan J. Doherty, “Electoral College Incentives and Presidential Actions: A Case for Reform?”, in *Electoral College Reform: Challenges and Possibilities* (Burlington, VT: Ashgate Publishing, 2010), 184.

³³ Jesse Wegman, *Let the People Pick the President* (New York: St. Martin’s Press, 2020), 250.

participation nationwide.³⁴ While this belief is grounded in sound theoretical reasoning, it is often disputed. While there is no doubt that voter participation is higher in battleground states, there is some speculation that being in a “safe state” does not necessarily decrease the state’s voter turnout and discourage anyone from voting, ultimately questioning if there would be same effect on voter turnout if implemented nationwide.³⁵ In addition to a potential increase in voter turnout, many speculate that under direct election, the parties would be forced into the middle, where the political parties would have to employ the most moderate policy position to appeal to the largest number of voters. For example, Democrats would need to compete for rural votes and Republicans for Latino voters.³⁶ Direct election provides many benefits: legitimizing the election, expanding the campaign map, moderating the political parties, and championing political equality, where every vote can make the same small but consequential impact.

Electoral College Proposals: Benefits

Reasons to consider retaining the Electoral College but reallocating electors highlights the benefits of the Electoral College while still allowing for its scrutiny and small-scale changes. the Electoral College has been revered by political scientists as consistently and continually providing the country with legitimate electoral results. Paul D. Schumacher, unlike Korzi and Edwards, deems electoral victory as the driving force how presidents acquire legitimacy. Two factors of the Electoral College provide this legitimacy: 1) the Electoral College converts slim

³⁴ Jesse Wegman, 252.

³⁵ Keena Lipsitz, “The Consequences of Battleground and ‘Spectator’ State Residency for Political Participation,” *Political Behavior* 31, no. 2 (July 29, 2008): 187, <https://doi.org/10.1007/s11109-008-9068-7>.

³⁶ Jesse Wegman, *Let the People Pick the President*, 256.

popular vote margins into decisive victories, 2) it reduces the extensiveness of recount activities that a national vote could require.³⁷

Aside from legitimacy and accessibility and ease of necessary recounts, another benefit of the Electoral College is that it reinforces the two-party system and thwarts the possibility of third-party candidates unexpectedly taking the presidency. Voters are encouraged not to waste their votes on unelectable candidates under this system.³⁸ According to Alexandra Kura in her book *Electoral College and the Presidential Elections*, the “winner-take-all method” to the creation and endurance of the two-party system and has encouraged coalition building which have created “inclusive” political parties. Kura highlights advantages of this system by stating that the “American parties have historically shown the ability to maintain broad appeal by incorporating new principles and policies in their platforms.”³⁹ Yet, strengthening the two-party system is not always celebrated by scholars. Schumacher, for example, disagrees that an electoral system should aim to strengthen the two-party system. He finds that the Electoral College is flawed because it undermines sincere voting since voters must choose the most electable candidate instead of the candidate which best represents their interests.⁴⁰

Additionally, Robert Hardaway highlights the messiness that electoral reform plans would bring to campaigning, especially under direct election.⁴¹ Many other authors exclude the discussion of campaigning as one of the many benefits of the Electoral College today because of the widespread dissatisfaction with how it currently operates. The Electoral College under

³⁷ Paul D. Schumacher, “The Good, the Better, the Best: Improving on the “Acceptable” Electoral College,” in *Electoral College Reform: Challenges and Possibilities* (Burlington, VT: Ashgate Publishing, 2010), 213.

³⁸ Paul D. Schumacher, 209.

³⁹ Alexandra Kura, *Electoral College and Presidential Elections* (Huntington, NY: Nova Science Publishers, Inc., 2001), 52–53.

⁴⁰ Paul D. Schumacher, 209.

⁴¹ Robert M. Hardaway, *Saving the Electoral College: Why the Popular Vote Would Undermine Democracy*, 67.

winner-takes-all allows for a relative ease and structure to large-scale national campaigning since candidates can easily pinpoint key areas of interest, however “ease” and “structure”, to many scholars, should not be the goal of campaigns. Legitimacy, ease of recount, and endurance of the two-party system are revered as essential elements to the electoral process that the Electoral College upholds.

District Plan

Currently adopted by two states, the district plan acts as middle ground between direct election and winner-takes-all; it upholds the power of small states, making it feasible for implementation and retaining federalism, but is more equitable than the current system, expanding electoral influence on smaller but more numerous districts nationwide.⁴² Winning small-state approval for electoral reform can be nearly impossible, however, in Mark J. McKenzie’s analysis of systemic biases which affect congressional voting on Electoral College reform, he reveals the immense popularity of the district system amongst the Plains and Southern states during the 1960 House vote. Small states were pro-district plan, as opposed to large-state representatives who opposed plan because it weakened their influence by breaking up the electoral votes.⁴³ Consistent with the preservation of small state power, the district plan is the reform option which is most consistent with the original aim of the framers’ vision for federalism; it places value on community and a system of checks and balances.⁴⁴ Additionally, advocates for the district popular plan as well as the district plan praise its ability to disperse and

⁴² Michael J. Korzi, “‘If the Manner of It Be Not Perfect’: Thinking Through Electoral College Reform,” 53.

⁴³ Mark J. McKenzie, “Systemic Biases Affecting Congressional Voting on Electoral College Reform,” in *Electoral College Reform: Challenges and Possibilities* (Burlington, VT: Ashgate Publishing, 2010), 107.

⁴⁴ Michael J. Korzi, “‘If the Manner of It Be Not Perfect’: Thinking Through Electoral College Reform,” 56.

widen the competitive places on the electoral map, expand campaigning, and encourage voter turnout.⁴⁵ As the goldilocks of electoral reform plans, the district method presents mild advantages but has higher probability for successful reform.

Proportional Plan

Proponents of the proportional plan consider it to be the fairest of all measures because it most accurately reflects the preferences of voters. The plan similarly provides recognition and substantial electoral allocation for third party candidates.⁴⁶ Many versions of the proportional plan eliminate the need for human electors which would eliminate the concern of faithless electors.⁴⁷ In Henry Cabot Lodge's Senate promotion of the proportional plan in 1950, he stated stating that it would preserve and protect the rights of small states.⁴⁸ However, further analysis of the reality of implementing this plan demonstrates that small states have little to gain from this plan, since dividing up an already small number of electoral votes has marginal benefits, whereas large state could see instrumental changes under this system.⁴⁹

National Popular Vote Interstate Compact

The National Popular Vote initiative plan side-steps what has seen to be the greatest obstacle to Electoral College reform—passing a constitutional amendment.⁵⁰ The initiative is advantageous because it addresses main objections to the Electoral College. First, the plan

⁴⁵ Herbst, 243.

⁴⁶ Miller, 76.

⁴⁷ George C. Edwards III, *Why the Electoral College Is Bad for America*, 208.

⁴⁸ Gary E. Bugh, "Representation In Congressional Efforts to Amend the Presidential Election System," 11.

⁴⁹ Michael J. Korzi, 56-57.

⁵⁰ Burdett A. Loomis, "Pipe Dream or Possibility? Amending the U.S. Constitution to Achieve Electoral Reform," in *Electoral College Reform: Challenges and Possibilities* (Burlington, VT: Ashgate Publishing, 2010), 223.

champions political equality, counting all votes equally. Second, there would no longer be a “wrong” winner chosen in an election due to a gap between the Electoral College winner and the national popular vote winner.⁵¹ The plan has attracted considerable support, has been accompanied by powerful scholarship, and incorporates support from the public in that the majority of Americans want to see Electoral College reform which includes the direct election of the president.⁵² As recently as the 2020 election, Colorado voted to stay in the compact. The state joined the compact last year, yet a repeal effort ended up on the ballot during the most recent election.⁵³ Colorado’s voter-driven approval of the plan could indicate the rise of support from “swing-like” states, a significant differentiation from the entirely democratic slate of states that have previously joined the compact, giving the compact hope for a future with bipartisan support.

Direct Election: Drawbacks

While some scholars view direct election to be the best way to reflect the true interests of the nation, others view it as a disaster for electoral legitimacy and election security. One of the reasons for the lack of confidence in the direct election plan is that there is uncertainty to whether a plurality or a majority is necessary for deciding a winner.⁵⁴ If the outcome of the national popular vote is extremely close, doubts about the legitimacy of the election could ensue, especially if the winner did not receive a majority of the votes. However, to combat these

⁵¹ Burdett A. Loomis, 232.

⁵² Burdett A. Loomis, 233.

⁵³ Laurel Wamsley, “The Presidency Often Hinges On A Handful Of States. Some Have Made A Popular Vote Pact”, NPR.org, consulted January 12th, 2021, <https://www.npr.org/2020/11/06/931891674/as-presidency-hinges-on-a-handful-of-states-some-have-made-a-popular-vote-pact>.

⁵⁴ Michael J. Korzi, 54.

concerns, reform plans have proposed instant runoff between two top finishing candidates under these circumstances.⁵⁵ Another one of the major issues with the plan, is the chaotic nature of recounts if needed.⁵⁶ Scholarship presented in this literature review on the direct election plan predated the chaotic aftermath of the 2020 election, in which false allegations of election fraud ran rampant. Due to the unprecedented and abrupt shift in the political climate on election certainty, new light is shed on the importance of election legitimacy and ease of widespread recounts in any reform measure, which previous scholarship may not have emphasized. Most notably, direct election, the most drastic change to the electoral process, poses concerns regarding how feasible it would be to implement an amendment for it. Congress would be challenged to achieve small state approval of the plan because it effectively strips small states of their power in the Electoral College.

Electoral College Proposals: Drawbacks

The Electoral College, currently praised for providing the most legitimate and secure electoral results, harbors “hidden landmines”, while rare, could greatly hinder its effects of legitimacy. Those landmines are: 1) invoking of a House contingency election as well as 2) the possibility of faithless electors.⁵⁷ Jesse Wegman, like Korzi and Edwards, discusses how the Electoral College can have the opposite effect—a lack of legitimacy—when either the popular vote winner and the Electoral College winner are different or one of the landmines listed above comes into effect.⁵⁸ Robert Hardaway agrees with the Electoral College’s ability to ensure

⁵⁵ Paul D. Schumacher, 214–15.

⁵⁶ Robert M. Hardaway, *Saving the Electoral College: Why the Popular Vote Would Undermine Democracy*, 87.

⁵⁷ Paul D. Schumacher, 213.

⁵⁸ Jesse Wegman, 218.

legitimacy. He reminds critics of the Electoral College that a direct election system could involve nightmarish recounts in every state and every precinct in the country if the results were disputable or too close to call.⁵⁹ Wegman, on the other hand, recalls how America's faith is shaken when the Electoral College winner and national winner do not align (which has been particularly salient in the last decade). In response to this claim, Hardaway draws attention to the 200 plus years in which the Electoral College has provided the country with reputable, reliable, and indistinguishable results that have laid the groundwork for peaceful transition of power.⁶⁰ Legitimacy is the one of the greatest advantages of the Electoral College. However, rare, but possible, scenarios of a House contingency elections, faithless electors, or popular vote mismatch would not simply shake faith in the system, it could nearly destroy it.

District Plan

The district plan, while theoretically advantageous, brings to light concerns regarding how effective it would be at increasing competitive areas and political equality. While the plan appears to democratize the electoral process even further by expanding the reach of campaigns to "swing districts" as opposed to "swing states" the amount of House districts which are competitive in the House election is a disappointing reality. The non-competitiveness of 90% of House races does not bode well for potential competitiveness in a national district plan, subsequent campaign attention that districts would receive, and increasing voter turnout.⁶¹ However, this analysis of the system assumes that individuals would treat House elections the same as presidential elections. Robert C. Turner, for example, addresses the main concerns of the

⁵⁹ Robert M. Hardaway, *Saving the Electoral College: Why the Popular Vote Would Undermine Democracy*, 73.

⁶⁰ Robert M. Hardaway, 75.

⁶¹ Michael J. Korzi, 56.

district plan in his analysis, “*The Contemporary Presidency: Do Nebraska and Maine have the Right Idea? The Political and Partisan Implications of the District System*” by analyzing the 2000 Presidential results from the district perspective. His findings demonstrate the district system would create a broader electoral coalition than the system as is, and it would increase the competitiveness of the congressional elections.

With a transition from swing states to swing districts under this plan, new demographic concerns are brought to light. Turner finds that the district system has a strong demographic and partisan bias, wherein the plan disenfranchises minorities groups further and give disproportionate electoral advantages to Republican candidates.⁶² Turner highlights these concerns; however, his scope is limited to 1992-2000 congressional districts. While further investigation of Turner’s allegations is imminent, the increased competitiveness and relevance of districts alone make them subject to corruption and partisan interference. As recent as January 2021, Wisconsin has proposed a plan to implement the district plan, which has come under heavy criticism because of the implications for gerrymandering in the state if implemented. One elections researcher, Barry Burden, remarks that that gerrymandering is, “already an ugly process but it will be on steroids if those districts affect not only the control of Congress but also control of the presidency”.⁶³ These allegations against the district plan are not to be taken lightly; the district plan appears to champion compromise while in actuality has the potential to do some real damage to the democratic process.

⁶² Robert C. Turner, “The Contemporary Presidency: Do Nebraska and Maine Have the Right Idea? The Political and Partisan Implications of the District System,” *Presidential Studies Quarterly* 35, no. 1 (2005): 135, <https://doi.org/10.1111/j.1741-5705.2004.00238.x>.

⁶³ Oliver Whang, “This Rebel Lawmaker Preserved Nebraska’s Unique Electoral System,” *National Geographic*, November 16, 2020, <https://www.nationalgeographic.com/history/2020/11/ernie-chambers-preserved-nebraska-unique-electoral-system/>.

Proportional Plan

The proportional plan is complex—probably the most of all the reform plans—and scholars have referenced its complexity as the greatest reason to avoid this reform. George C. Edwards raises concerns that it could never achieve a constitutional amendment, making it highly unfeasible, while other critics warn of electoral deadlocks.⁶⁴ The proportional plan would not have prevented electoral deadlock in 1960, 1968, 1992, 1996, and 2000. Elections in 1968, 1992, and 1996 would have been contentious mostly due to third party candidates in the race. Thomas Neale in his article, *The Electoral College: How It Works in Contemporary Elections*, echoes this point, arguing that the proportional plan would only lead to an increasing number of deadlocked elections.⁶⁵ George C. Edwards warns that the proportional plan would have caused Mitt Romney to win in the 2012 election, prompting questions of the massive alterations the plan would have on electoral victories. While many praise Electoral College reform plans which encourage third parties, Edwards warns of the proportional plan's tendency to elevate third party candidates and the "mischievousness that third parties can cause in contingent elections".⁶⁶ Michael Korzi warns that if third party candidates take even 10 electoral votes away from major party candidates, the election could be sent to the House of Representatives—a harrowing thought for the legitimacy and stability of our electoral system and presidential victories.⁶⁷ The rise in relevance of third parties which some Electoral College reform plans encourage, has been hotly debated amongst scholars as to whether it is an advantage or a disadvantage to the electoral process.

⁶⁴ George C. Edwards III, *Why the Electoral College Is Bad for America*, 208.

⁶⁵ Thomas H. Neale, "The Electoral College: How It Works in Contemporary Presidential Elections," in *The Electoral College: An Analysis* (Nova Science Publishers, Inc., 2011), 72.

⁶⁶ George C. Edwards III, *Why the Electoral College Is Bad for America*, 209.

⁶⁷ Michael J. Korzi, "'If the Manner of It Be Not Perfect': Thinking Through Electoral College Reform," 57.

Yet, the greatest issue of complexity lies in the plan's implementation. While the 2004 proportional plan proposal in Colorado had detailed plans for the how the state would handle issues of rounding, implementing the proportional plan nationally would necessarily lead to great controversy with determining issues of rounding. If rounding policy vastly different state to state, we could only imagine that our already complex electoral system would become even more complex and difficult to understand.⁶⁸ Ultimately, simplicity in an electoral system is an increasingly relevant factor in constructing it, because greater internal political efficacy—or the self-perception that an individual is capable of understanding politics—provides more citizens with the competence and thus the confidence to participate in political acts such as (and most importantly to an electoral system) voting.⁶⁹

A major gap in the literature on the proportional plan whether the plan holds a demographic bias. When Henry Cabot Lodge brought the plan to the Senate in 1950, he framed the invention of the plan as fighting “Pivotal State Evil” which he felt dominated the electoral map. He described this evil as the major parties giving “undue attention to the demands and programs of relatively unimportant groups or factions”.⁷⁰ Ultimately, proportional supporters found it troubling that parties were concentrating their efforts on policy that would benefit minorities in urban areas also known as “the unimportant groups or factions” that Lodge refers to.⁷¹ While Lodge brought the proportional plan to the Senate floor with hopes of thwarting the interests of minorities in urban areas, the plan's implementation raises questions of how it would

⁶⁸ Michael J. Korzi, 57.

⁶⁹ Stephen C. Craig and Michael A. Maggiotto, “Measuring Political Efficacy,” *Political Methodology*; Los Altos, Calif. 8, no. 3 (January 1, 1982): 86.

⁷⁰ Gary E. Bugh, “Representation In Congressional Efforts to Amend the Presidential Election System,” 11.

⁷¹ Gary E. Bugh, 11.

impact minority voters today, and if there would be an increased benefit or further disenfranchisement compared to the current system.

National Popular Vote Interstate Compact

The National Popular Vote Interstate Compact, while appealing because it sidesteps the hurdle of a constitutional amendment, raises questions of legality, simplicity, and legitimacy. Primarily, the legality of the compact is the often the first point of disapproval from many scholars. Article 1, section 10 of the constitution prohibits states from entering into any “agreement or Compact with another state” without the consent of Congress, and it has been unclear whether this agreement falls under that precise distinction.⁷² The Supreme Court has drawn distinctions between compacts dealing with a variety of different concerns and many proponents of the NPV initiative argue that based on those precedents congressional approval is not necessary for this plan.⁷³ Additionally, the plan might complicate how voters come to understand election results. A voter’s state may have an apparent winner, yet the state’s electoral votes will automatically be attributed to another candidate, easily creating more confusion and complexity amongst voters. Additionally, federalism is largely removed from the electoral system under this plan; while electors exist, they become irrelevant and purely ceremonial.⁷⁴

Critics of the plan say that it is chaotic; relying on a national popular vote tabulation with strict accuracy, and reliability of recounting would be fraught with challenges and missteps.⁷⁵

⁷² Brian J. Gaines, “Compact Risk: Some Downsides to Establishing National Plurality Presidential Elections by Contingent Legislation,” in *Electoral College Reform* (Burlington, VT: Ashgate Publishing, 2010), 117.

⁷³ Robert W. Bennett, “Current Electoral College Reform Efforts Among the States,” in *Electoral College Reform: Challenges and Possibilities* (Burlington, VT: Ashgate Publishing, 2010), 193.

⁷⁴ Michael J. Korzi, “‘If the Manner of It Be Not Perfect’: Thinking Through Electoral College Reform,” 60–61.

⁷⁵ Brian J. Gaines, “Compact Risk: Some Downsides to Establishing National Plurality Presidential Elections by Contingent Legislation,” 118.

Scholars are concerned about the limitations of statutes regarding the plan. Whereas an amendment to the constitution would be “set in stone” to a large extent, predicating the entire electoral system on a statute is far less reliable and durable over time.⁷⁶ The plan attracts plentiful criticisms in addition to the ones listed above, yet one that is often forgotten and played down is the issue of faithless electors with the initiative because there is no national popular vote proposal or laws forbidding faithless electors.⁷⁷ However, in July of 2020 the Supreme Court ruled that states have clear power to require their presidential electors to vote for their party’s candidate, eliminating some of the major concerns with faithless electors in any electoral system which retains the Electoral College, but particularly with the initiative.⁷⁸

Yet, the greatest concern with the plan is its feasibility, particularly because the plan is far from gaining bipartisan approval. The compact has been widely criticized by Republicans in recent years for having a clear bias towards Democratic candidates. However, according to Jesse Wegman in his book, *Let the People Pick the President*, that has not always been the case. John Koza, the author of the plan, was concerned that because the initial handful of states which passed the initiative were Democratic the plan would look to Republicans as if it was a partisan ploy to steal the White House, despite the fact that he has always viewed the plan as a bipartisan way to elect the president.⁷⁹ After the 2012 Obama reelection, Republican lawmakers grew more open to the idea, however the 2016 election—almost instantly—prompted conservative support for the initiative to vanish.⁸⁰ The vastly partisan misconceptions regarding the plan have resulted

⁷⁶ Brian J. Gaines, 120.

⁷⁷ Robert W. Bennett, “Current Electoral College Reform Efforts Among the States,” 199.

⁷⁸ Barry Fadem, “Supreme Court’s ‘Faithless Electors’ Decision Validates Case for the National Popular Vote Interstate Compact,” *Brookings* (blog), July 14, 2020, <https://www.brookings.edu/blog/fixgov/2020/07/14/supreme-courts-faithless-electors-decision-validates-case-for-the-national-popular-vote-interstate-compact/>.

⁷⁹ Jesse Wegman, *Let the People Pick the President*, 214.

⁸⁰ Jesse Wegman, 216.

in fruitless results over the years, and demonstrates how bipartisan support for any electoral reform plan is instrumental to enacting any kind of progress towards a better electoral system.

The Problem of Faithless Electors

The issue of faithless electors is often forgotten because it rarely occurs, yet not only is it a concern that plagues all of the reform plans which retain the Electoral College and human electors, it can have drastic implications on outcomes of elections and our confidence in them. The founding fathers created this mechanism to protect the American people from the dangers of a demagogue, since they could act freely against election results if they believed the people had chosen an unfit leader.⁸¹ Alexander Hamilton, believed that with electors “no corruption” could be possible with this system because of their “detached experience” from the larger electorate.⁸² However, as Jesse Wegman explicates in his book, there has not be a single body of electors since 1792 which have been, “independent, deliberative actors who saw their task as picking the fittest person for the job”.⁸³ In fact, each presidential candidate has his or her own pre-picked slate of electors. These electors are sworn to partisan loyalty and are sent to the state capital on the day the Electoral College votes in order to cast votes for their party’s candidate if that party wins the state popular vote.⁸⁴

Furthermore, many states have laws punishing electors if they decide to stray away from the state’s popular vote winner, and as detailed above, the Supreme Court has emphasized that states have this right in the July 2020 ruling.⁸⁵ All congressional reform plans—such as the

⁸¹ Jesse Wegman, *Let the People Pick the President*, 5.

⁸² George C. Edwards III, *Why the Electoral College Is Bad for America*, 104–5.

⁸³ Jesse Wegman, *Let the People Pick the President*, 5.

⁸⁴ Jesse Wegman, 8.

⁸⁵ Fadem, “Supreme Court’s ‘Faithless Electors’ Decision Validates Case for the National Popular Vote Interstate Compact.”

automatic plan — which would eliminate the need for human electors and automatically require every state to utilize the “winner takes all” method failed to receive congressional approval. Therefore, not only do electors not necessarily uphold the partisan and unbiased vision of the framers, they remain living, breathing, autonomous actors which can, in those states which do not have laws against it, vote for the candidate that they believe would best represent the interests of the nation.⁸⁶

In 2016, a handful of electors felt that it was their patriotic duty to do just that. Michael Baca, a member of the Electoral College from Colorado, realized that it would only take 37 rogue Republican electors to prevent Donald Trump from winning and ultimately throw the election to the House of Representatives, which had not happened since 1825. Baca tried to organize a coalition of faithless electors through an organization he called the Hamilton Electors. On Electoral College day, only 10 electors ended up breaking their pledges and many of those, including Baca’s, had been invalidated by the state and required a different elector to step in and recast the vote.⁸⁷ Ultimately, the plan of the Hamilton Electors did not succeed but it did remind the American public that the freedom of electors can have some potentially drastic consequences, especially in elections where the electoral win is very thin.

Despite Alexander Hamilton’s vision of a “detached experience” of electors, scholarship demonstrates that electors are often subject to powerful attempts at persuasion and lobbying. Robert M. Alexander, in his article, *Lobbying the Electoral College: The Potential for Chaos*, analyzed the incidence of faithless electors in the 2000 and 2004 presidential elections. He

⁸⁶ Gary E. Bugh, “The Challenge of Contemporary Electoral College Reform,” in *Electoral College Reform: Challenges and Possibilities* (Burlington, VT: Ashgate Publishing, 2010), 81.

⁸⁷ Jesse Wegman, 8–9.

explicitly analyzed the effects of lobbying campaigns on those electors to change their votes.⁸⁸

The 2000 election was fraught with lobbying efforts, as one might assume given the contentiousness of the election outcome. Electors were bombarded with emails, telephone calls, even grassroots campaigns, the most notable being *Citizens for True Democracy*. These campaigns mobilized to encourage Republican electors to vote against their party.⁸⁹ Alexander surveyed the electors by sending all 538 members of both election's Electoral College members mail-in surveys.⁹⁰ Alexander's findings demonstrate that large numbers of presidential electors were lobbied to change their votes, and many of the electors gave significant consideration to defecting, however none of them actually did.⁹¹

Supporters of the Electoral College often remind critics that the issue of faithless electors can be a problem in whatever electoral plan retains their autonomy, most notably the National Popular Vote Interstate Compact.⁹² The issue of faithless electors, therefore, should be more relevant in the conversations that scholars and politicians are having about the Electoral College today. While faithless electors have never implemented any consequential changes on election outcomes—there only being 165 incidences of faithless in the history of the Electoral College to date—the ease of even one faithless elector in disenfranchising thousands upon thousands of voters and create large uncertainty and illegitimacy of the election results in the eyes of the American public cannot be understated.⁹³

⁸⁸ Robert M. Alexander, "Lobbying the Electoral College: The Potential for Chaos," in *Electoral College Reform: Challenges and Possibilities* (Burlington, VT: Ashgate Publishing, 2010), 160.

⁸⁹ Robert M. Alexander, 163.

⁹⁰ Robert M. Alexander, 164.

⁹¹ Robert M. Alexander, 170–71.

⁹² Robert M. Hardaway, *Saving the Electoral College: Why the Popular Vote Would Undermine Democracy*, 111.

⁹³ Robert M. Alexander, "Lobbying the Electoral College: The Potential for Chaos," 165.

An Alternative Election Procedure: Ranked Choice Voting

Electoral reform is not limited to alterations to electoral vote alone, in fact, many reform measures propose innovative methods to how citizens vote for candidates; one of the most notable proposals is the Ranked Choice Voting method. Ranked Choice Voting was first implemented in a state in Maine in 2018, following the lead of several US cities.⁹⁴ Ranked Choice Voting (RCV), also known as instant runoff voting, is the electoral procedure in which voters rank their candidate preferences, and if no candidate wins an absolute majority in the first round then the lowest recipients of votes is eliminated. Then, second preferences on the ballots of eliminated candidates are reallocated to the surviving candidates until there is a majority achieved for a single candidate.⁹⁵ Ultimately, rank choice voting asks voters, if not your preferred candidate, who would be the most reasonable second, third, and so on alternatives?⁹⁶

Proponents of Rank Choice Voting say that this method expands the amount of people whose votes “matter” or have consequential effect, increases competition, and allows for more diverse and minority candidates to run without feeling as if they would “threaten” or “take votes away from” a major party candidate.⁹⁷ Australia is one of several countries which has implemented this system (amongst Ireland, Malta, New Zealand, Scotland, and more) and often sees upwards of six candidates run in house elections and there is rarely talk of any of these minor candidates “spoiling” the election.⁹⁸ Rank Choice Voting similarly, increases sincere voting in the sense that the system encourages rather than discourages voters to rank third party

⁹⁴ Rob Richie, “National Implications of Maine Adoption of Ranked Choice Voting,” *National Civic Review* 106, no. 1 (2017): 22, <https://doi.org/10.1002/ncr.21312>.

⁹⁵ Richard Nunan, “As Maine Goes, So Goes the Nation? Ranked Choice Voting and STV as Antidotes to Tribal Populism,” in *Democracy, Populism, and Truth* (Springer International Publishing AG, 2020), 147.

⁹⁶ Richard Nunan, 147.

⁹⁷ Richie, “National Implications of Maine Adoption of Ranked Choice Voting,” 20.

⁹⁸ Richie, “National Implications of Maine Adoption of Ranked Choice Voting” 21.

candidates as a first choice.⁹⁹ Scholars deem Rank Choice Voting as a more neutral system than the current way of voting in the sense that it does not bias campaigns and candidates to adhere to the interests of key battleground states or even battleground districts.¹⁰⁰

Additionally, scholars such as Paul D. Schumacher state that Rank Choice Voting increases voter participation because voters who are currently disaffected with the major party candidates would still feel motivated to vote since they will not be perturbed to cast a ballot for their preferred third party candidate.¹⁰¹ Rob Richie in his article, “National Implications of Maine Adoption of Ranked Choice Voting”, discusses how voter turnout has risen sharply in decisive mayoral elections in cities which have adopted this system—as compared to previous systems which have primaries and runoffs.¹⁰² Another common praise of the system is that it would diminish the probability of an extreme candidate taking office because it assumes that moderate voters would necessarily choose other moderate candidates as their second and third choices.¹⁰³

Ranked choice voting could reasonably avoid issues pertaining to legitimacy, since the winner will always receive a majority of votes. This method is also deemed “more legitimate” because the possibility of rogue voters and a House contingency election would most likely be avoided.¹⁰⁴ Yet, it is important to envision that implementing this system would be faced with some resistance from Americans who are not used to crafting their electoral choices with multiple candidates in mind. Rank Choice Voting could therefore add some complexity to our current system, which many electoral reform plans (as stated in the previous section) have hoped

⁹⁹ Paul D. Schumacher, 210.

¹⁰⁰ Paul D. Schumacher, 211.

¹⁰¹ Paul D. Schumacher, 212–13.

¹⁰² Richie, “National Implications of Maine Adoption of Ranked Choice Voting,” 23.

¹⁰³ Michael J. Korzi, “‘If the Manner of It Be Not Perfect’: Thinking Through Electoral College Reform,” 59.

¹⁰⁴ Paul D. Schumacher, 215.

to eliminate.¹⁰⁵ Similarly, without the ease of voting simply along party lines only, the bar is significantly raised for how a voter can make an informed vote with so many more options to consider under this plan.¹⁰⁶

Ranked Choice Voting appears to have many benefits, but some recent studies show that the benefits do not necessarily translate to results when implemented. One analysis of survey respondents on RCV, conducted by Lindsay Nielson in 2017, demonstrated that voters who have participated in RCV elections were no more likely to think that these kinds of elections produced fairer outcomes.¹⁰⁷ Another study conducted by McDaniel demonstrated that in mayoral elections in Oakland and San Francisco California that racially polarized voting did not decrease due to Ranked Choice Voting and voters still used their vote to express racial interests, despite the fact that Ranked Choice Voting has been said to increase moderation in elections and decrease extremism or polarization.¹⁰⁸ The studies act as important reminders that there might be large gaps between theoretical assumptions and empirical evidence about Ranked Choice Voting and its implications for expanding equality in our electoral system.

Possibilities of a Congressional Amendment for Reform

There have been more than 700 proposals to change the Electoral College over the past 200 years, making the Electoral College the part of the constitution with the most proposals in

¹⁰⁵ Michael J. Korzi, “‘If the Manner of It Be Not Perfect’: Thinking Through Electoral College Reform,” 59.

¹⁰⁶ Lindsay Nielson, “Ranked Choice Voting and Attitudes toward Democracy in the United States: Results from a Survey Experiment,” *Politics & Policy* 45, no. 4 (August 1, 2017): 535–70, <https://doi.org/10.1111/polp.12212>.

¹⁰⁷ Nielson.

¹⁰⁸ Jason McDaniel, “Does More Choice Lead to Reduced Racially Polarized Voting? Assessing the Impact of Ranked-Choice Voting in Mayoral Elections,” *California Journal of Politics and Policy; Berkeley* 10, no. 2 (2018): 19, <http://dx.doi.org.proxy.library.upenn.edu/10.5070/P2cjpg10241252>.

history.¹⁰⁹ Despite numerous reform proposals spanning decades, the Electoral College has seen very little structural change. In fact, there have only been a handful of times where there have been some slight procedural changes to how the president is elected (such as in 1887, for example). The only monumental constitutional shift occurred in 1804 when Congress ratified the Twelfth Amendment.¹¹⁰ The Twelfth Amendment distinguished elector ballots between president and vice president and solidified the role that political parties would play in the electing the president.¹¹¹

Gary Bugh, in his article, *The Challenges of Contemporary Electoral College Reform*, parses through the decades of reform efforts in Congress and aggregates the data to illustrate the most prosperous time-periods for reform. His findings demonstrate that reform proposals were low between 1911 and 1960 with only 173 proposals, particularly high between 1961 and 1980 with 433 proposals, and dropping again between 1981 and 2010 with 76 proposals.¹¹² Proposals during the latest period only represent 11 percent of the 682 Electoral College proposals since 1911.¹¹³ Most notable about this surprising statistic is that Electoral College reform activity in Congress did not change or improve at all after the contentious 2000 election.¹¹⁴

Bugh's research demonstrates that the 91st Congress, the Congress between 1969 and 1970, saw the greatest number of proposals in any single year: 106.¹¹⁵ Scholars such as James P. Melcher in his article, *Exploring Difficulties of Electoral College Reform at the State Level*:

¹⁰⁹ Burdett A. Loomis, 224.

¹¹⁰ Gary E. Bugh, "The Challenge of Contemporary Electoral College Reform," 77.

¹¹¹ Gary E. Bugh, "The Challenge of Contemporary Electoral College Reform," 85.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Gary E. Bugh, "The Challenge of Contemporary Electoral College Reform," 87.

¹¹⁵ Gary E. Bugh, "The Challenge of Contemporary Electoral College Reform," 86.

Maine and Nebraska Lead the Way, attempt to make sense of this unique year for Congress.¹¹⁶

The preceding election, the presidential election of 1968, “did a great deal to shake up the way that elections work in the United States”.¹¹⁷ For example, changes in party nomination and campaign strategy followed the election. Most notably, however, an Independent party candidate, George Wallace, ended up with 46 electoral votes, and coupled with other surrounding political events of 1968, Americans faith in the Electoral College was reasonably shaken.¹¹⁸ Democratic Senator Birch Evan Bayh from Indiana and Representative Emanuel Celler from New York spearheaded the efforts to pass direct election in 1968 under the principle of “one person, one vote” or political equality. The plan passed in the House 338-70. While many had high expectations of passing the plan in the Senate after a resounding win in the House, Republican Senator Karl Earl Mundt from South Dakota led a minority filibuster which stopped the Bayh plan from seeing the Senate floor, and thus electoral reform was blocked again.¹¹⁹

While the 1969 reform proposals saw what may be considered the closest Congress has ever come to passing electoral reform, and direct election specifically, the proposal did in fact fail which begs the question if implementing constitutional change for electoral reform is ever possible. This question has bothered electoral reformers and is a primary reason for the national popular vote interstate compact, because it can achieve the goal of reform without the mountainous hurdle of an amendment. However, some scholars, such as Burdett Loomis in his article, *Pipe Dream or Possibility? Amending the U.S. Constitution to achieve Electoral Reform*,

¹¹⁶James P. Melcher, “Exploring the Difficulties of the Electoral College Reform at the State Level: Maine and Nebraska Lead the Way”, in *Electoral College Reform: Challenges and Possibilities* (Burlington, VT: Ashgate Publishing, 2010), 128.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Gary E. Bugh, “Representation in Congressional Efforts,” 12-14.

express that hope remains for an amendment. Loomis looks at the 1969 reform proposal as Congress coming within “shouting distance” of scrapping the Electoral College and demonstrates that popular support will always be for a direct election system because most Americans do not like nor understand the Electoral College.¹²⁰ However, Gary Bugh discusses that electoral reform has consistently been backed by Democrats from 1911 to 2010. However, before 1980, there was significant bipartisan support for reform, that has precipitously decreased since.¹²¹ A constitutional amendment might be in the realm of possibility, but until Electoral College reform is presented in a bipartisan fashion once again, prospects for passing an amendment remain dim.

Conclusion

Electoral College reform is a lofty goal, but it remains in the realm of possibility. Reform measures which retain the framer’s vision of federalism, do not usurp the rights of small states in their entirety, and do not have clear partisan advantage are ripe for the possibility of ratification. A constitutional amendment which abolishes the Electoral College altogether and replaces it with direct election is impossible without bipartisan appeal, and at the moment, bipartisan support is unlikely. In the remainder of this thesis, the focus will be on feasible reform measures—those which reimagine elector allocation within the current Electoral College structure. The district plan, the most feasible reform option, is most worthy of in-depth review and consideration. Under this plan, federalism is retained, small states hold on to their power, all while the electoral map is expanded and participation rates increase—according to the literature. My analysis will

¹²⁰ Burdett A. Loomis, 223-224.

¹²¹ Gary E. Bugh, “The Challenge of Contemporary Electoral College Reform,” 90.

comb through these claims, evaluating if the plan delivers on its promises, pleasing both Electoral College supporters and reformers enough to justify altering our two-hundred-year-old system.

While electoral measures that retain the structure of electors—such as the district plan—might be advantageous because they are *feasible*, they are not necessarily ideal. This literature review highlights the desperate cry amongst both political elites and the American public for fundamental electoral change which prioritizes political equality, one which expands the quantity of votes which “matter” beyond simply those of swing and small states. While a perfectly politically equal electorate is the ideal of electoral reform, concerns—those which have gained unavoidable attention at the tail end of the Trump era—such as recount havoc, election legitimacy, and campaigning strategies have reminded us why it is not entirely achievable. Therefore, perfect reform should not be the focus; compromise should take center-stage: reform must attempt to expand electorate power to the currently disenfranchised, but also be strategic in adhering to legitimacy and bipartisan appeal. The Constitution is *the* document of compromises and the electoral process is no exception.

The District Plan: Case Study Analysis

The district plan appears to champion compromise: acting as a middle ground between federalism, political equality, and realistic electoral implementation. Maine and Nebraska, the two states which have already adopted the plan not only have years of data generated on the success of the plans but can act as studies and exemplars for any future implementation of the plan. Maine adopted the plan in 1969 and Nebraska in 1991.¹²² Aside from these two states, Michigan briefly adopted the district plan for one election in 1892, but it was simply a one election experiment.¹²³ I will briefly analyze the historical context that surrounded the decision for both Maine and Nebraska to ratify this plan and if the states have seen advantageous, problematic, or ambivalent results as a consequence.

Maine

The time around which Maine ratified the district plan could be described as a “perfect storm” of circumstances to breed Electoral College reform. Maine ratified electoral reform in 1969, to first be implemented in 1972. As discussed in the literature review, 1969 was the year which saw the most electoral reform proposals, 106. Many attribute this spike in proposals to the tumultuous 1968 election, where a third-party candidate, George Wallace, snagged a total of 46 electoral votes.¹²⁴ Thanks to the 1968 election and the general political upheaval and agitation towards progressive reform, 1969 was arguably the closest Congress has ever been to ratifying a plan which would abolish the Electoral College and replace it with direct election. While the plan

¹²² James P. Melcher, 133.

¹²³ James P. Melcher, 132.

¹²⁴ James P. Melcher, 128.

did not pass, the congressional events leading up to the plan were particularly salient for the people of Maine for two reasons. First, Mainers were significantly engaged in the 1968 election because the first Mainer since 1884, Senator Ed Muskie, was on a major party ticket.¹²⁵ Secondly, Maine representatives had been particularly engaged in Electoral College reform throughout the preceding decade. Most notably, Republican Senator Margaret Chase Smith (the first woman elected to serve in both the Senate and the House of Representatives) was an instrumental figure in leading electoral reform in Washington.¹²⁶ Senator Smith proposed the Smith Plan in SJ Res. 1 which would abolish the Electoral College replacing it with direct election, institute a runoff procedure if no candidate received a majority, and implement a national primary system to nominate the President and Vice President.¹²⁷ While Smith's plan did not pass, it demonstrates that Maine had been exposed to conversations regarding Electoral College reform long before the rest of the nation.

In 1969, Democratic state Representative Glenn Starbird introduced a bill which would divide Maine into four separate districts and devote one of Maine's four existing electoral votes to each of the districts. This plan was replaced only six weeks later by Republican Representative Raymond Rideout's plan, the plan we know of today, which would allocate two electoral votes to the popular vote winners in each district, and two votes to the popular vote winner statewide.¹²⁸ James Melcher states in his analysis of this historic period when Maine ratified the district plan, *Exploring the Difficulties of Electoral College Reform at the State Level*, that there were four instrumental elements which explain why Maine was able to pass such revolutionary

¹²⁵ James P. Melcher, 130.

¹²⁶ "SMITH, Margaret Chase | US House of Representatives: History, Art & Archives," accessed December 17, 2020, [https://history.house.gov/People/Listing/S/SMITH,-Margaret-Chase-\(S000590\)/](https://history.house.gov/People/Listing/S/SMITH,-Margaret-Chase-(S000590)/).

¹²⁷ James P. Melcher, "Exploring the Difficulties of the Electoral College Reform at the State Level: Maine and Nebraska Lead the Way," 129.

¹²⁸ James P. Melcher, 131.

electoral reform: 1) prominent Maine political leaders, like Margaret Chase Smith, advocated for national electoral reform in Washington making it a salient issue for Mainers, 2) the 1968 election sparked nationwide skepticism for the Electoral College and emphasized calls for reform, 3) “policy entrepreneurs” such as Glenn Starbird and Raymond Rideout were making substantial changes in the state not only with respect to the Electoral College but on other issues as well, 4) and finally the support for electoral reform was bipartisan in nature, which has been one of, if not, the most crucial indicators of success for electoral reform proposals throughout American history.¹²⁹

Despite the revolutionary nature of Maine’s electoral shift from “winner-takes-all” to the district plan, 2016 and 2020 are the only two election in which the state’s two congressional districts voted differently.¹³⁰ Despite a lack of concrete electoral changes, the district plan had several effects on the political experience of Mainers. According to the Maine.gov website, Maine has consistently been one of the states with the highest voter turnout rates in national elections.¹³¹ In a recent article entitled, “As Maine goes, so goes Electoral College reform, maybe”, the incumbent Democratic Representative Jared Golden of Maine is quoted stating: “There’s a lot of split tickets here... We take our own path in thought and personal lifestyle here. Voters here aren’t committed to individuals or parties but look at every election separately.”¹³² Maine’s culture surrounding elections may have been shaped by the distinctiveness of its electoral system against the background of the national preference for winner-takes-all,

¹²⁹ James P. Melcher, 132–33.

¹³⁰ FairVote.org, “Maine & Nebraska,” FairVote, accessed December 17, 2020, https://www.fairvote.org/maine_nebraska.

¹³¹ “Maine.Gov: Government: EDemocracy: Elections & Voting,” accessed December 17, 2020, https://www.maine.gov/portal/government/edemocracy/elections_voting.html.

¹³² David M. Shribman, “As Maine Goes, so Goes Electoral College Reform, Maybe,” *Pittsburg Post-Gazette*, October 11, 2020, <https://www.post-gazette.com/opinion/david-shribman/2020/10/11/As-Maine-goes-so-goes-Electoral-College-reform-maybe/stories/202010070072>.

emboldening its citizens with higher levels of political efficacy, the feeling that their vote in elections can and will make a difference.

Nebraska

Nebraska ratified electoral reform in 1991. Unlike Maine, this change was not as a response to a national push toward progressive reform on electoral policy, as was the case in 1969. In fact, Nebraska felt neglected by candidates and campaigns for years because of its unchanging Republican voting history. Therefore, its legislature believed that altering the system to a district system would bring national attention and numerous campaign visits. From 1968 to 1988, the Republican candidate won election in Nebraska six times and did so with a resounding margin of an average of over thirty points.¹³³ Democratic representative DiAnna Schimek bolstered support for the district plan by reminding Republican legislators of a time when “Nebraska mattered” which was during Bobby Kennedy’s 11-city tour of the state in 1968 in order to win the state’s Democratic primary.¹³⁴ Ultimately, when it came to ratifying the new electoral reform in Nebraska in the early nineties, James Melcher explains that, with very few truly competitive areas of the state, the state had “little to lose by trying the district system”.¹³⁵

However, Nebraska was fairly disappointed by the 1992 campaign trail results, demonstrating that the plan’s hope to bring more political and campaign attention to the state had not quite met its expectations. State Senator Doug Kristensen, a then vocal opponent of the district plan, stated after the 1992 election: “I am not sure the presidential candidates flew over

¹³³ James P. Melcher, 133.

¹³⁴ Meilan Solly, “Why Do Maine and Nebraska Split Their Electoral Votes?,” *Smithsonian Magazine*, accessed December 18, 2020, <https://www.smithsonianmag.com/smart-news/why-do-maine-and-nebraska-split-their-electoral-votes-180976219/>.

¹³⁵ James P. Melcher, 134.

Nebraska, much less stopped.”¹³⁶ After the 2000 election, the secretary of state for elections raised concerns with the district plan’s goals stating, “we didn’t get a presidential candidate this year or a vice presidential candidate. We didn’t even get the presidential candidate’s wives. We got the vice president’s wife.”¹³⁷

Ultimately, the plan did not provide any “success” or any electoral changes until 2008, when Nebraska first split its electoral votes. Nebraska’s second congressional district gave one electoral vote to Barack Obama. This was not a coincidence, in fact, Obama’s campaign sent thousands of field workers to the district, which is where Omaha is located, winning the district by approximately 3,000 votes.¹³⁸ In a 2016 speech in Omaha, after which Obama did not win any of the districts in Nebraska during the 2012 election, he affectionately recalled how supporters renamed Omaha to “Obamaha” because of the unprecedented feat of splitting the electoral votes in 2008.¹³⁹ Obama’s victory in Nebraska’s second congressional district demonstrates that possibly Nebraska lawmakers were on to something when implementing the district plan. Perhaps, greater campaign attention would yield competitive results even in the vastly Republican state.

Nebraska once again split its votes in the 2020 election, where Joe Biden won Nebraska’s second district as well. One of the state’s Republican electors, Steve Nelson, commented on the win saying that “it reflects both the level of interest in the 2020 election as well as the growing

¹³⁶ James P. Melcher, 136.

¹³⁷ James P. Melcher, 136.

¹³⁸ Amber Phillips, “Nebraska Is on the Verge of Changing Its Quirky Electoral College Rules. Again.,” *Washington Post*, accessed December 18, 2020, <https://www.washingtonpost.com/news/the-fix/wp/2016/04/12/nebraska-is-on-the-verge-of-changing-its-quirky-electoral-college-rules/>.

¹³⁹ Phillips.

political power of Omaha”.¹⁴⁰ Nebraska’s unique use of the district plan might very well be the driving force behind why Omaha has gained this growing political power, because without the plan, Omaha would wash away into irrelevance against the backdrop of the overwhelmingly red state. In November 2020, during the tumultuous few days between election day and the 2020 race being called, the New York Times, among other publications, published an article entitled, “Could Omaha Swing the Race? In 2020, Nothing is Impossible”, indicating how consequential the singular electoral vote could be in one likely scenario of Electoral College paths to victory for Joe Biden.¹⁴¹ While Nebraskan lawmakers might have been disillusioned by the district plan in the several elections between 1992 and 2008 where there was no evidence that it was making any substantial changes, the 2008 and 2020 elections indicate that the plan might not be a waste and has a lot of untapped potential.

Despite the 2008 excitement surrounding Nebraska’s implementation of the district plan, Republican lawmakers have been consistently pushing against the plan since it was enacted. In 2008, before the election, Republican Party Chair Mark Quandahl believed that Nebraska was “out of step” with the rest of the nation and stated that “sometimes when a state does something in a different manner, people call it unique, which is a polite way of saying it is weird.”¹⁴² He insisted that the state scrap that plan and return to the “winner-takes-all” method like everyone else.¹⁴³ The argument that Nebraska is somehow out of line with the rest of the nation in implementing this plan has become particularly salient to the state’s Republicans. In 2016,

¹⁴⁰ Grant Schulte, “Nebraska Splits Electoral Votes for 2nd Time in History,” *AP NEWS*, December 14, 2020, sec. Election 2020, <https://apnews.com/article/election-2020-joe-biden-donald-trump-lincoln-omaha-93fdb5a05fc62878b4fe70c2f7f6e5a>.

¹⁴¹ Dionne Searcey, “Could Omaha Swing the Race? In 2020, Nothing Is Impossible,” *The New York Times*, November 4, 2020, sec. U.S., <https://www.nytimes.com/2020/11/04/us/biden-nebraska-electoral-college.html>.

¹⁴² James P. Melcher, “Exploring the Difficulties of the Electoral College Reform at the State Level: Maine and Nebraska Lead the Way,” 138–39.

¹⁴³ James P. Melcher, 139.

Republican Senator Robert Hilkemann stated, “Why would we want to be different than all other 48 states?” he continues, “for me it was more the principle of the thing”.¹⁴⁴

Democratic leaders are pushing back on this Republican conformist rhetoric, especially beloved Senator Ernie Chambers, who has made it his mission while in office to fight for the rights of marginalized communities. In Chambers’ eyes, the district plan is precisely that. In an interview with National Geographic, Chambers responds to Republican lawmakers’, like Hilkemann, efforts to abolish the system by stating: “You are not going to take away that one little bit of impact that people in the district have on selecting the President”.¹⁴⁵ Megan Hunt, a state legislator from Omaha reiterates Chambers’ point saying that “When the conditions are right, Nebraska becomes a state that candidates have to pay attention to”.¹⁴⁶ While most of the state does not necessarily experience the same intensity or attention that Omaha might in an election year and necessarily think that it should, its efforts to change the plan might overlook how the system creates a more equitable experience for voters that do not feel constrained to vote along party lines. As the New York Times article discussed above points out, the system allows for the same community to vote for Republicans in some elections and Democrats in others and empowers them to choose the candidate over the politics.¹⁴⁷

Recent Efforts for Reform

As recently as January of 2021, Wisconsin has proposed a bill to enact the district plan as opposed to the winner-takes-all plan for allocating electoral votes. According to the Wisconsin

¹⁴⁴ Oliver Whang, “This Rebel Lawmaker Preserved Nebraska’s Unique Electoral System,” *National Geographic*, November 16, 2020, <https://www.nationalgeographic.com/history/2020/11/ernie-chambers-preserved-nebraska-unique-electoral-system/>.

¹⁴⁵ Oliver Whang.

¹⁴⁶ Oliver Whang.

¹⁴⁷ Searcey, “Could Omaha Swing the Race?”

Examiner, this bill is Republican sponsored, led by Representative Gary Tauchen, and is born out of Donald Trump's performance in the state where he lost its 10 electors to Joe Biden in the 2020 election. Under the district plan, Donald Trump would have walked away with six electoral votes from the state, more than half. Tauchen believes the bill would better reflect Wisconsin's, "diverse political landscape".¹⁴⁸ Critics of the plan, see the bill not as progressive but as dangerous. Barry Burden, founder of the Elections Research Center, warns that the plan is a power-hungry partisan appeal by Republicans which would ultimately lead to disastrous gerrymandering in a state whose districts are already drawn to a GOP advantage.¹⁴⁹ Wisconsin, while still in early stage of reform, acts as a particularly salient exemplar of both the widespread concerns of gerrymandering and how clear partisan preferences can shoot an electoral plan in the foot.

What to take away from Maine and Nebraska

Two states implemented the same electoral plan, the district system, for different reasons and during distinct political environments. Maine ratified reform during the wake of a powerful national reform era, where its own political leaders had been distinctively vocal in enacting reform, and Nebraska ratified reform in an effort to make the state more visible and consequential on the national stage. Analyzing the success of the district plan in aggregate by whether it has "split" the state's electoral votes demonstrates that the plan has had little effect overall since for both states there have only two elections in which this has occurred. However, a

¹⁴⁸ Melanie Conklin, Wisconsin Examiner January 8, 2021, "GOP Has Bill to Reallocate Wisconsin's Electoral Votes by Congressional District", *Wisconsin Examiner* (blog), January 8th, 2021, <https://wisconsinexaminer.com/2021/01/08/gop-eyes-bill-to-reallocate-wisconsins-electoral-votes-by-congressional-district/>.

¹⁴⁹ Melanie Conklin, Wisconsin Examiner, January 8, 2021.

microscopic look into the political experience of the citizens in these districts demonstrate higher levels of political efficacy. These voters have an augmented sense that their vote may be consequential in the election, whereas it would otherwise be overshadowed under a ‘winner-takes-all’ system. Lawmakers, such as those in Nebraska, have been fighting for these citizen’s rights, especially because this plan has given more political power to minority voters. While this may be the case for Maine and Nebraska, it is worth analyzing if this effect for minorities would persist if this plan were to become a constitutional amendment and subsequently alter the impact of every US Congressional District.

Methodology

Research Problem & Methodological Approach

The research question that I address in this section is whether a national or state-level shift to the district plan for allocating electoral votes would provide more benefits than the current winner-takes-all system. In order to define “benefits” of an electoral system I will be assessing the relative merits of the two system on seven separate criteria: *Legitimacy, Inclusiveness, Neutrality, Simplicity, Equality, Participation, and Feasibility*. I was inspired to utilize this methodological approach due to a similar variant of this method was utilized in Paul D. Schumaker’s 2010 article, “The Good, the Better, the Best: Improving on the Acceptable Electoral College” in which he compared the direct election method and instant runoff methods to the current Electoral College system using nine criteria.¹⁵⁰ I will differentiate myself from Schumaker’s work by assessing these seven criteria quantitatively, whereas Schumacher relies heavily on qualitative analysis.

I decided that this criterion-based method would be the most effective way to compare the two electoral systems because “benefits” of an electoral system can be subjective. The Electoral College, as is, has many benefits, yet it is still consistently under fire for being unfair, antiquated, and unnecessary. Therefore, by imploring a broad analysis and evaluating these systems with regards to several different key and valuable elements of the electoral process, I can hopefully make a better informed, nuanced interpretation of the results and determine which system might provide greater *benefits*. One of the key elements of my methodological approach

¹⁵⁰ Paul D. Schumacher, 213.

when comparing and contrasting between the two systems, when appropriate within the criteria, will be to assess the differences between swing places -- states in one system and districts in the other. One of the major questions I faced when designing my analysis was how to define a “swing place”. While there are many metrics to define a swing state—campaign events, expert predictions, media interactions—those same metrics do not necessarily exist on the district level. Therefore, in order to remain consistent between the two types of swing places, “swing” level will be attributed to the margin of victory in that state or district after the election.

Data Collection

Comparing the district system to the current electoral system proves challenging because there are less little data regarding how presidential elections operate on the district level than state level. However, I was able to find district-level presidential election returns for the 2016 election. After contacting Penn Libraries, I was able to gain access to the Dave Leip’s Atlas for U.S. Presidential Elections, where I was able to uncover presidential election returns data by congressional district.¹⁵¹ This dataset will make up my interpretation of “swing district” by specifically utilizing the margin of victory column. My contact at Penn Libraries, Lauris Olson, advised me that the presidential election returns by district are difficult to acquire, and expensive, and I should focus on 2016 election returns exclusively for this reason. Therefore, my analysis will be centered around the 2016 election only when discussing the district level returns. As for states, accessing information on margin of victory for the 2016 election and beyond is easily

¹⁵¹ Lauris Olson, “Guides: Dave Leip’s Atlas of U.S. Presidential Elections - Data Files - Penn Libraries Data Resources: Data Files”, consulted January 4th, 2021, <https://guides.library.upenn.edu/c.php?g=594310&p=4111253>.

accessible. I utilized data I retrieved off of the Federal Election Commission's website regarding 2016 election returns by state.¹⁵²

Methodological Approach by Criteria

Each of the seven separate criteria for analysis required a different methodological procedure. I will discuss these below by criteria.

Legitimacy

The literature review highlighted the discrepancy in the debate surrounding how to determine electoral legitimacy. One method determines that legitimacy can be conferred based on ease of recounts and elimination of the possibility for electoral fraud. Another method finds any alteration to our current system as weakening electoral legitimacy. Additionally, a third method envisions legitimacy in the Electoral College as consistency between the Electoral College winner and the popular vote winner, because under these conditions the Electoral College accurately reflects the "will of the people." While uncommon, a discrepancy between the national popular vote winner and the Electoral College winner occurred in 2016. In order to accurately assess which of the two electoral systems provide the most legitimate result I will analyze the legitimacy as defined under the final method listed above: I will compare the actual electoral votes from the winner-takes-all system, to the electoral votes under the hypothetical district system for the 2016 election in order to discern if there still remains a discrepancy between popular vote winner and electoral winner, or if a gap still persists but is significantly diminished or increased with a shift in electoral system.

¹⁵² "Federal Elections 2016", FEC.gov, consulted January 4th, 2021, <https://www.fec.gov/introduction-campaign-finance/election-and-voting-information/federal-elections-2016/>.

Inclusiveness

Inclusiveness is defined as who is included in the electoral process, i.e., whose votes matter and where do campaigns focus their energy as a result of where votes matter. While there is no campaign data by congressional district, I approximated that campaigns would visit the states which included one or more swing or close congressional district. I will compare the states where either the Trump or Clinton campaigns held public events in 2016 to the states which hold swing districts in 2016. I will utilize this metric to assess if “inclusiveness” increases or decreases across the two systems. In order to analyze the campaign visits by state for the 2016 election, I will use Fair Vote’s General Election Events Tracker.¹⁵³

Neutrality

The main methodological question behind neutrality is, does one electoral system advantage a demographic group more than the other and would that bias shift from one electoral system to another? The demographic factors of interest are median household income, educational attainment, percent white, and unemployment rate. I will compare these factors by margin of victory in both swing states and district to determine if one or more of these factors can be predictive of swing places. If one of these factors are predictive of a low margin of victory, I will gain insight into if these electoral systems benefit certain groups over others. I retrieved demographic data from the census website for the 116th Congress.¹⁵⁴

¹⁵³ “2016 Presidential Candidate General Election Events Tracker (Maintained by FairVote)”, Google Docs, December 29th, 2020, https://docs.google.com/spreadsheets/d/14Lxw0vc4YBUwQ8cZouyewZvOGg6PyzS2mArWNe3iJcY/edit?usp=sharing&usp=embed_facebook.

¹⁵⁴ US Census Bureau Center for New Media & Promotion (CNMP), “My Congressional District”, consulted January 4th, 2021, <https://www.census.gov/mycd/?st=01&cd=01>.

Simplicity

Simplicity is defined as how easy it is for citizens to understand the electoral system. I believe the best way to gauge knowledge and understanding of an electoral system is to utilize public opinion data. In this part of the analysis, I will analysis the results of one survey conducted by Pew Research Center in late October to early November of 2019, asking basic knowledge questions regarding the current electoral system.¹⁵⁵

Equality

Equality is defined as the equal distribution of voting power in the electoral process. First, I will analyze voting power under the current system. I will conduct this analysis by dividing the number of electoral votes by state by population in order to determine if residents have the same level of voting power regardless of which state they live in. While I might not be surprised to find that this is not the case, I will be looking more closely at the degree to which this change between large and small states. Since electoral votes by state does not change with a shift to the district plan, in order to detect any differences between the systems, I will analyze how cumulative population between districts and states changes as margin increases. Through this method, I will gain insight into whether close states or close districts will represent a include a greater number of voters.

Participation

¹⁵⁵ Pew Research Center, "Pew Research Center for the People & the Press, Pew Research Center: American Trends Panel Wave 57, Ipsos, (Cornell University, Ithaca, NY: Roper Center for Public Opinion Research, 2019), Dataset, DOI: {doi}." (Ithaca, NY, November 2019).

For participation, Maine and Nebraska will act as prime examples and case studies for the increase or decrease in voter turnout as a result of the district plan. Comparing these voter turnout statistics overtime, before and after each state implemented the new plan, to the national voter turnout statistics, will help control for elections which were better nationwide at mobilizing voters for election-specific reasons (for example in 2008 and 2020).

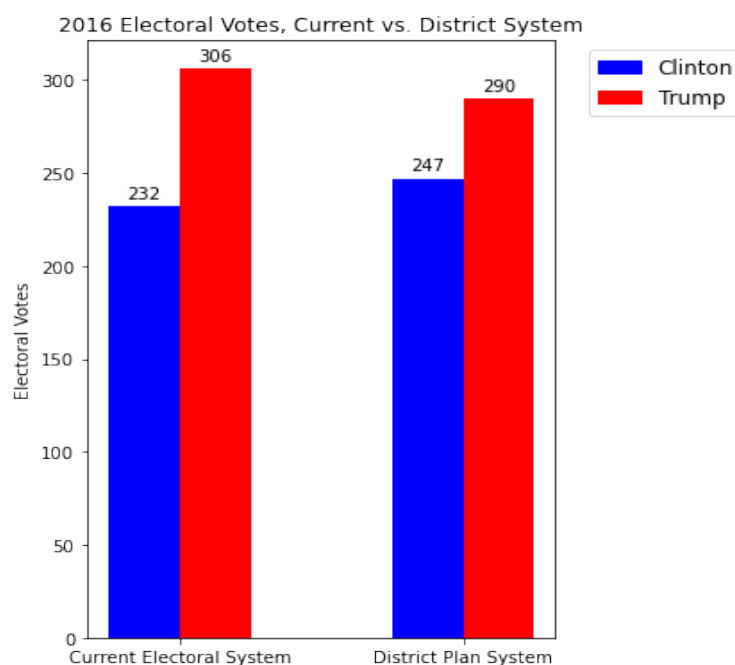
Feasibility

Feasibility is defined as the ability for the district system to actually be implemented as law, through a constitutional amendment or on the state level. A case study review of Maine and Nebraska's reasons for implementing the district system, as seen in the previous section, does not provide clear evidence for optimal conditions for ratifying the plan. However, bipartisan support was critical for both states in passing legislation, and therefore is a key metric for gaining some insight into whether states could be successful at changing their electoral system. This section will discuss bipartisan efforts in key states according to the 2016 presidential returns by congressional district.

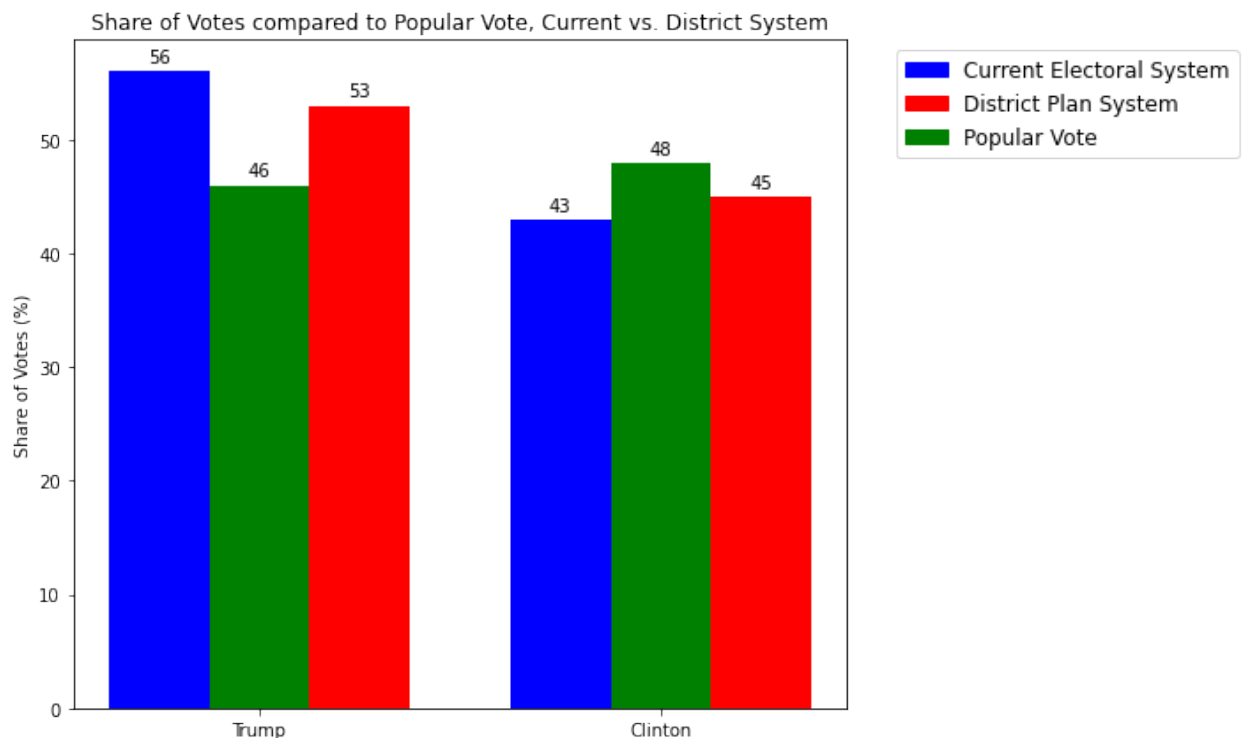
Results

Legitimacy

The 2016 election brought challenges and questions of electoral legitimacy to center-stage; it was one of four elections in American history in which the winner of the Electoral College did not win the popular vote. Many critics of the Electoral College call on the discrepancy between the Electoral College winner and the popular vote winner to be one of the strongest justifications for reform because it delegitimizes the results of the Electoral College. At the same time, proponents of the Electoral College celebrate the current winner-takes-all system because of how efficiently it translates popular vote margins into electoral wins. Legitimacy and how to define it lies at the crux of the debate. In my analysis, I detect if there was any difference in electoral winner under a hypothetical 2016 district system, wherein the winner of the popular vote, Hillary Clinton, would have also won a majority of Electoral College votes. Below, the graph illustrates Electoral College votes by candidate for the two electoral system.



The data demonstrate if the district plan had been adopted in 2016, in fact, Donald Trump would have still won the Electoral College despite losing the popular vote. In one view of “legitimacy” this result determines no consequential difference between the two systems. A deeper dive into the results, however, shows that the electoral discrepancy between popular vote winner and Electoral College winner is smaller under the district system. Donald Trump would have still surpassed 270 electoral votes, but he would have not reached 300 votes or higher. In fact, his resounding electoral win under the current system is diminished under the district system, in which he loses 16 votes. The following graph depicts electoral vote shares across the two systems compared to popular vote shares, providing a deeper insight into how effectively the two systems translate vote margins.



Here, a visual depiction of how the 2016 popular vote compared to the electoral vote shares across the two systems demonstrates a closer estimate of translating popular vote margins

into electoral wins, raising questions of whether the winner-takes-all system should be reversed for how it reflects popular vote margins. The margin of victory in the Electoral College under the current system is 13%, whereas under the district system it is only 8%. Therefore, a margin of victory of 8% is a closer representation of the popular vote.

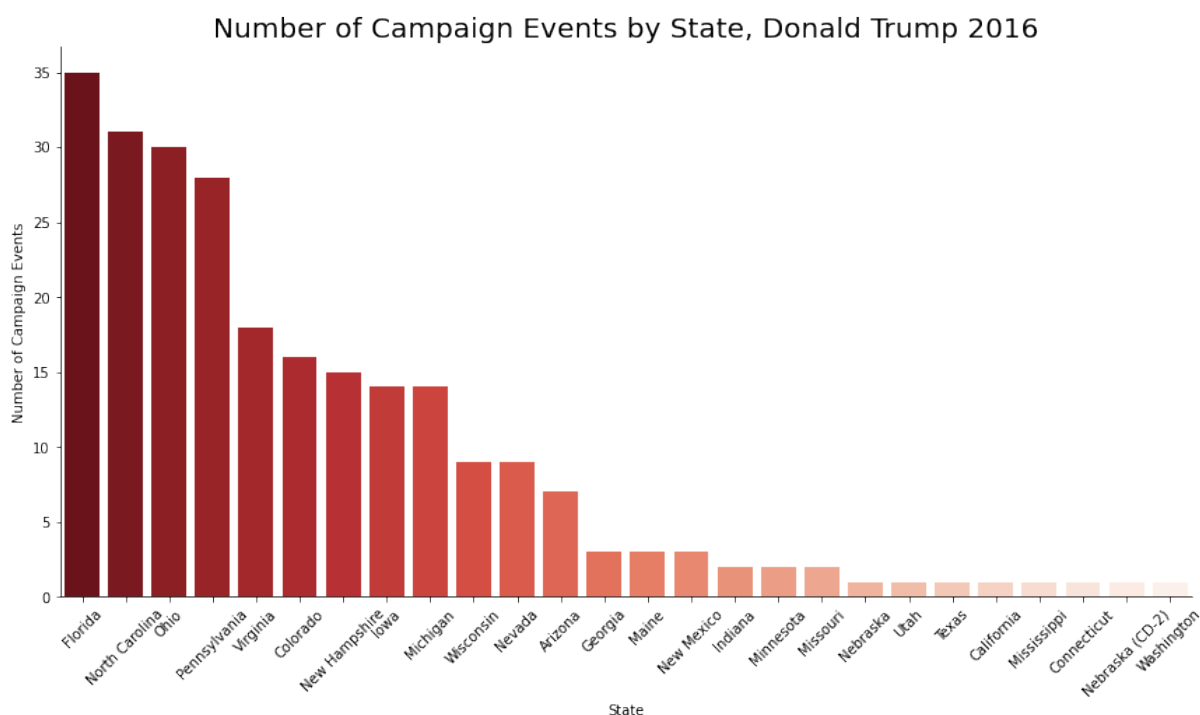
The district system does not provide resounding differences in legitimacy as compared to winner-takes-all. This is relevant because in 2016, most of the complaints surrounded who won the election not the margin of victory. In essence, the confusion and uncertainty of this unusual election—with a discrepancy between popular vote winner and Electoral College winner—would persist under the alternative district plan. However, analyzing the margins of victory of the two plans side by side reveals the Electoral College under winner-takes-all is non-ideal for translating popular vote margins. Therefore, under the district system there is more legitimacy to the electoral winner, even if it cannot appropriately correct for popular vote losses. Bearing in mind, however this difference is minute, leaving the potential for it to be lost on voters, rendering its insignificance.

Inclusiveness

With electoral reform comes massive structural changes to how campaigns are managed. Critics of the Electoral College are angered that many states are ignored by campaigns, which illuminates larger structural issues with the system; it creates a crisis of inclusion in our democratic process, where campaigns prioritize the needs of select voters. In fact, the desire for campaign attention was the driving force behind why Nebraska decided to shift to the district system in 1991.¹⁵⁶ The below graphs, which shows campaign events per campaign by state, and

¹⁵⁶ James P. Melcher, 133.

are taken from FairVote, a nonprofit, nonpartisan organization whose mission is to advocate for electoral solutions.¹⁵⁷ FairVote carefully tallied 2016 election campaign events by state. The data in the graphs only include events that were open to the public or whose primary purpose was to influence local voters in the area in which the event occurred. Examples of these events were rallies, speeches, fairs and town-hall meetings.¹⁵⁸

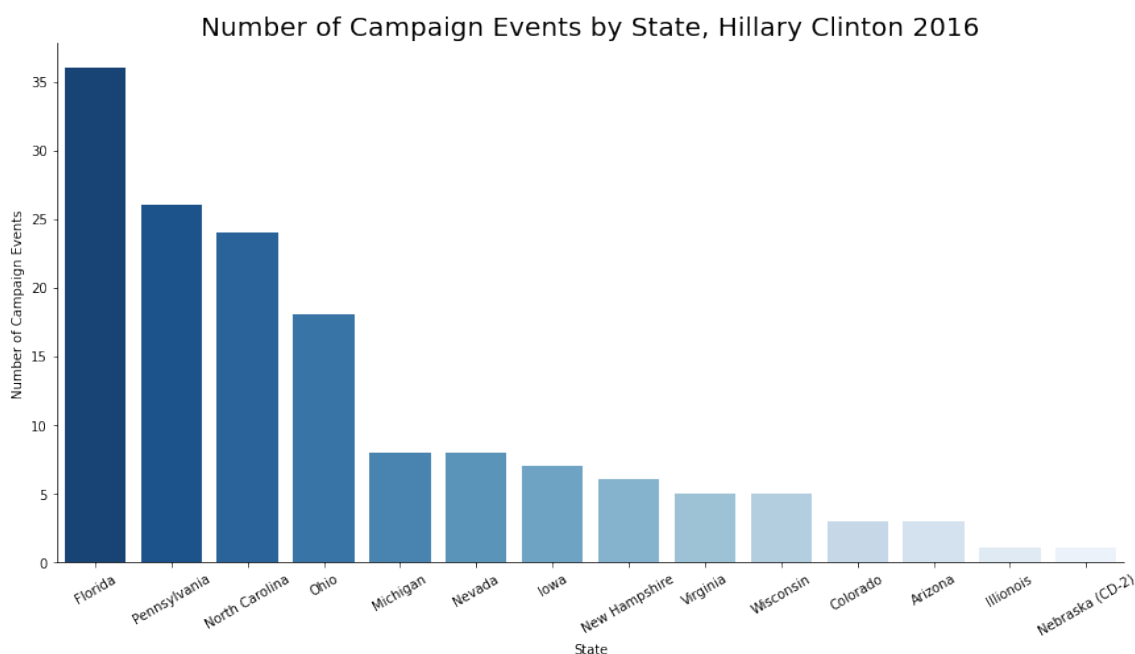


The data is clear: The Trump campaign prioritized a narrow group of states across the country. During his 2016 campaign, only 12 states received more than 1 campaign visit by Donald Trump, with 3 states—Florida, North Carolina, and Ohio—receiving a largely unequal distribution of over 30 events. Based on FairVote’s calculation, over the course of the election

¹⁵⁷ “94% of 2016 Presidential Campaign Was in Just 12 Closely Divided States,” National Popular Vote, August 16, 2016, <https://www.nationalpopularvote.com/campaign-events-2016>.

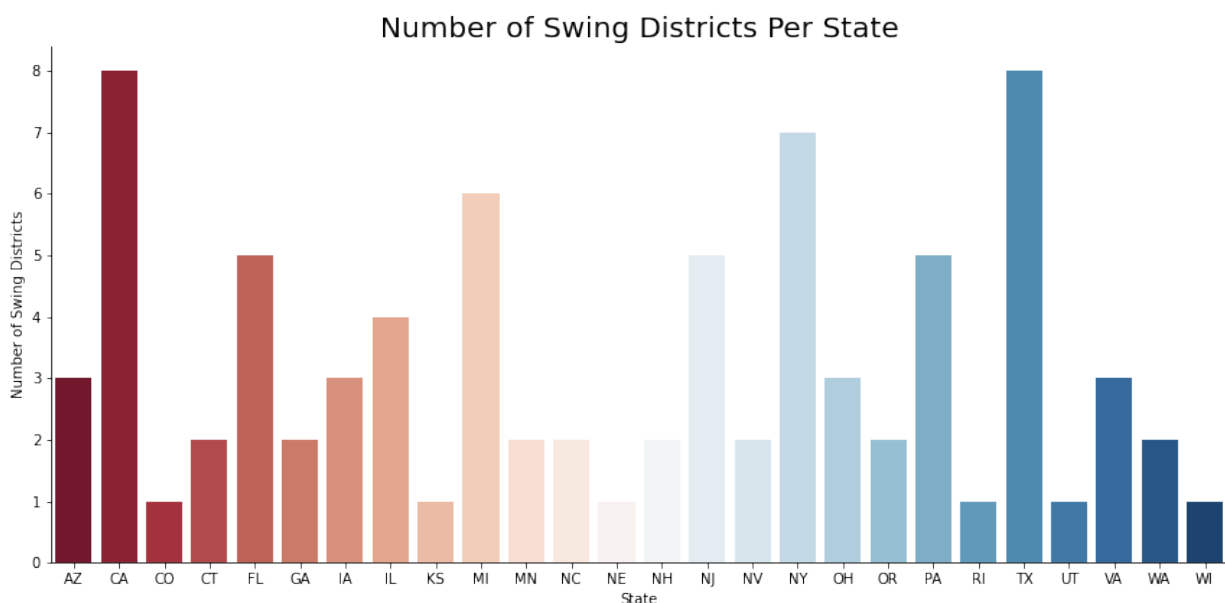
¹⁵⁸ “2016 Presidential Candidate General Election Events Tracker (Maintained by FairVote),” Google Docs, accessed December 29, 2020, https://docs.google.com/spreadsheets/d/14Lxw0vc4YBUwQ8cZouyewZvOGg6PyzS2mArWNe3iJcY/edit?usp=sharing&usp=embed_facebook.

season, Donald Trump held approximately 248 public campaign events in which 88.31% of them were held in the “swing states” listed above. Hillary Clinton, according to FairVote’s calculations throughout the election cycle, had fewer campaign events than Donald Trump, spanning an even smaller portion of states, illustrated below.



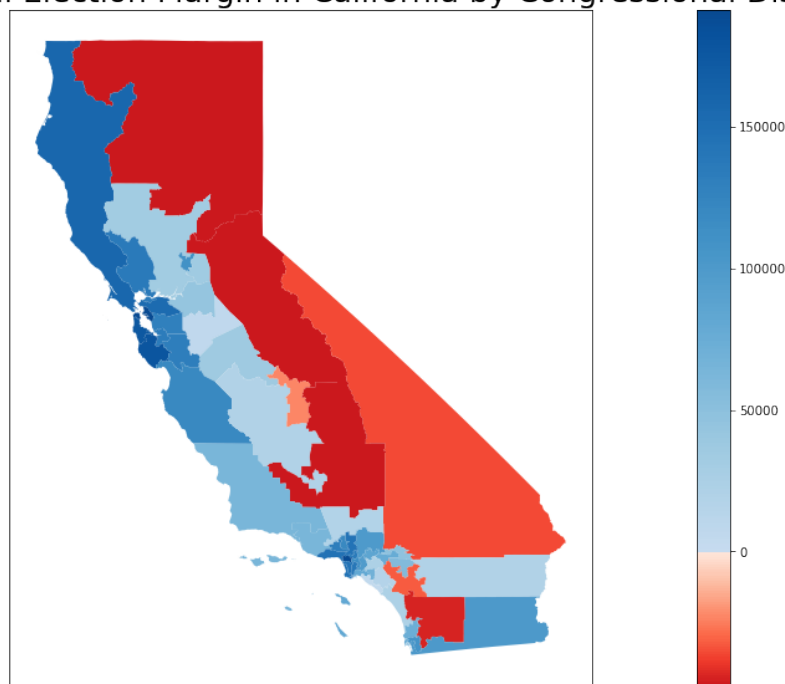
The Clinton campaign held public events in nearly the same twelve states as the Trump campaign. Both campaigns included Florida and North Carolina in their top three priority states on the trail. Bearing in mind, even though these events are only a piece of the interactions between campaigns and voters by state, the incidence of these events still reveal a harrowing depiction of inclusiveness. Only a few states are prioritized, with an even smaller few getting a disproportionate amount of attention. It is challenging to know how campaigns would adapt to an entirely new electoral system. Even more, how campaigning in certain places which are deemed swing districts over other districts might have a positive reinforcing effect, making them more competitive and susceptible to campaign attention over time. However, an analysis of swing

districts in the 2016 election—which was determined by isolating the districts which saw a margin of victory under 10%—illustrates a very different picture of what campaigning might look like under this new electoral system. The below graph explicates the number of swing districts in each state based on 2016 presidential election returns.



As opposed to the limited twelve states which the Trump and Clinton campaigns visited in 2016, under the district system the electoral map expands. Now, over half of the state, 26, have either one or more swing districts, which could warrant the state a campaign visit at some point during the election process. How to assume campaigns would respond under a hypothetical system without any concrete historical evidence is challenging, however if there is a larger spread of places with tighter partisan margins, then campaigns will need to fight for their attention. Since congressional districts are small compared to states, neighboring districts, even those which are not marginal, might feel energized by campaign events happening in nearby districts, creating a spillover effect.

2016 Presidential Election Margin in California by Congressional District



States which have high numbers of swing districts under this hypothetical system are the largest states with many districts clustered in one area. Campaigns, therefore, might disproportionately visit larger states. As depicted in the graphic above which shows California's districts by margin, California could potentially be one of the most visited states by campaigns because of its sheer number of congressional districts, 53. Under the winner-takes-all system, California is reliably blue. However, under the district system, with the potential for more attention from campaigns, California might increase in competitiveness. Other prominent states on the map under the district plan are the other large states with several districts, such as New Jersey, New York, and Texas. These states are historically neglected by campaigns, but the data reveals that this has the possibility to change.

Despite newfound large-state prevalence, the twelve swing states such as Florida, Pennsylvania, Ohio identified above are still relevant swing places in the district system. However, they might be forced to "share the campaign spotlight" under a district-dominant electoral map. Electoral College conservatives find reform to switch to direct election system

unacceptable because of the dominance of large states such as Texas, California, and New York on the electoral map—the very thing the Electoral College has tried to prevent by giving small states power with the additional two senatorial electoral votes per state. Yet, while larger states might receive more attention by campaigns under this new system, small states still retain the same level of power as before since the number of electoral votes by state has not changed.

While swing states prove to have powerful influence on who is prioritized during the election, those same places are unfairly advantaged while presidents are in office as well. According to Brendan J. Doherty’s research on state-level visits by presidents while they are in office, presidential attention and neglect are related to the geographic patterns which are governed by the Electoral College.¹⁵⁹ Therefore, electoral reform that expands campaign inclusiveness not only improves the democratic process but also holds drastic policy and governance implications as well. For example, Donald Trump took noticeable inaction against California wildfires while in office, and while that may have been a result of his fervent denial of climate change and its effects, California’s irrelevance to his electoral gains in the 2020 election may have further augmented his refusal to provide appropriate federal aid and attention to the crisis.¹⁶⁰ Overall, the district plan is more inclusive from a campaigning perspective than the current winner-takes-all system which could have significant electoral and policy consequences.

¹⁵⁹ Brendan J. Doherty, “Electoral College Incentives and Presidential Actions: A Case for Reform?”, in *Electoral College Reform: Challenges and Possibilities* (Burlington, VT: Ashgate Publishing, 2010), 184.

¹⁶⁰ Gwynedd Stuart, “The West Is on Fire. Trump Hasn’t Bothered Mentioning It”, *Los Angeles Magazine* (blog), 10 September 2020, <https://www.lamag.com/citythinkblog/trump-wildfires/>.

Neutrality

Not only is a non-biased, neutral system the most likely to pass congressional approval and garner an amendment, but it is also the most just. In this section, I will analyze the neutrality concerns for the district system as compared to winner-takes-all by detecting any demographic biases. Swing places—either districts or states—hold the power in a presidential election. Analyzing demographic factors such as income, education level, percent white, and unemployment levels in these key areas can give a sense of which demographic groups hold power in this electoral process. A comparison between systems, therefore, can show if there is a shift in demographic bias or not when adopting the district plan.

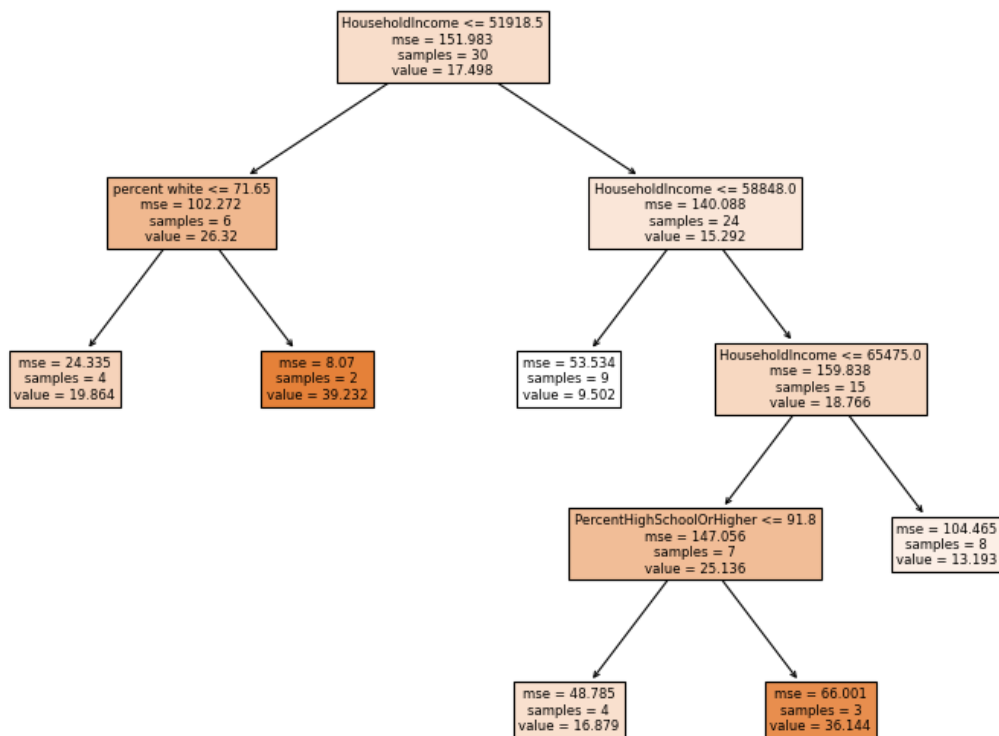
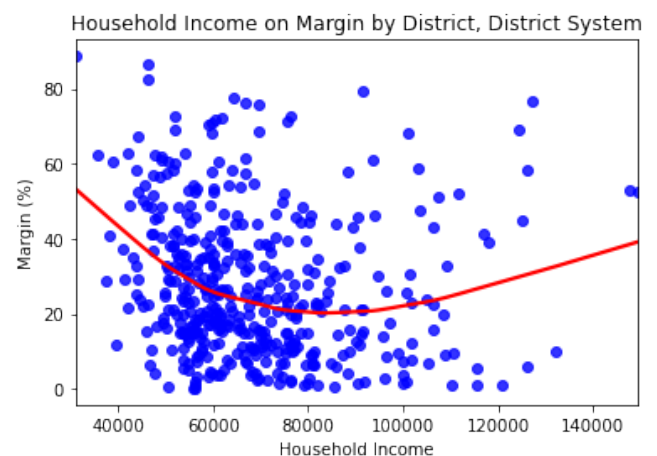
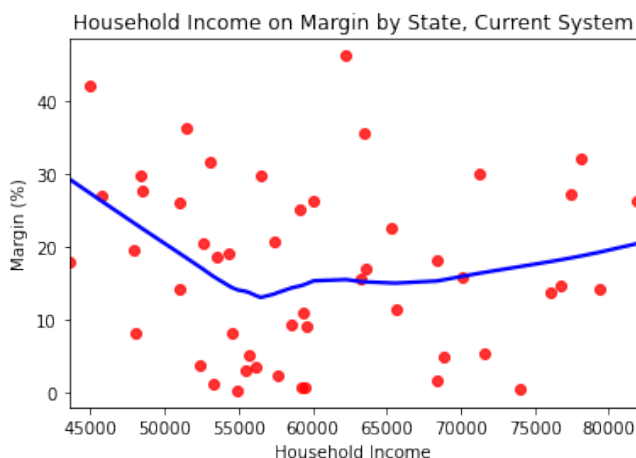
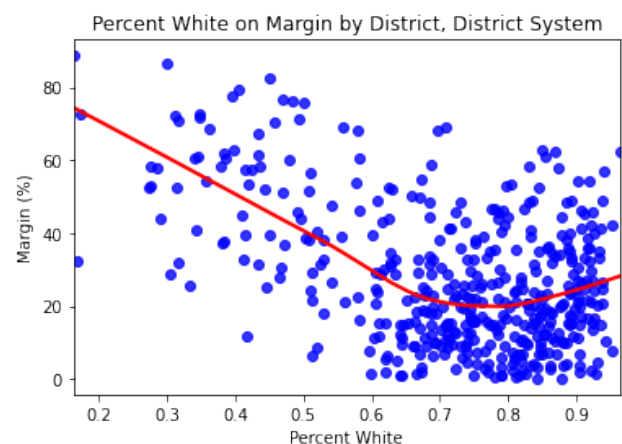
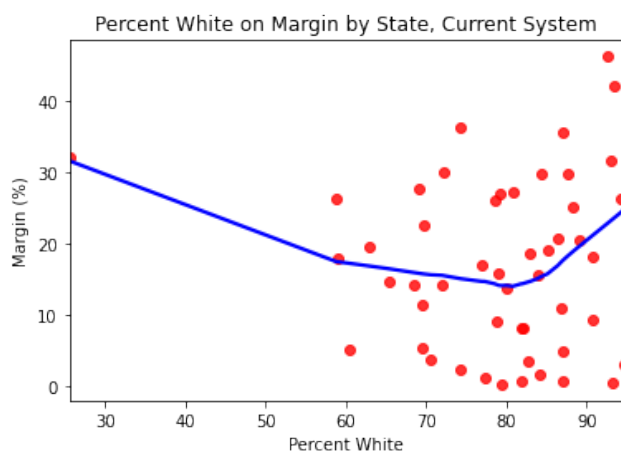
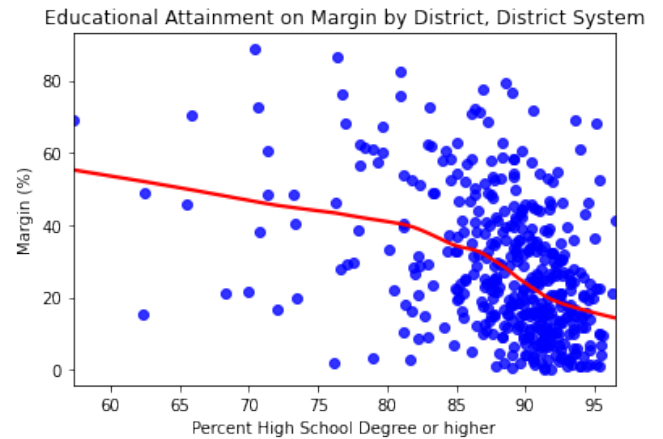
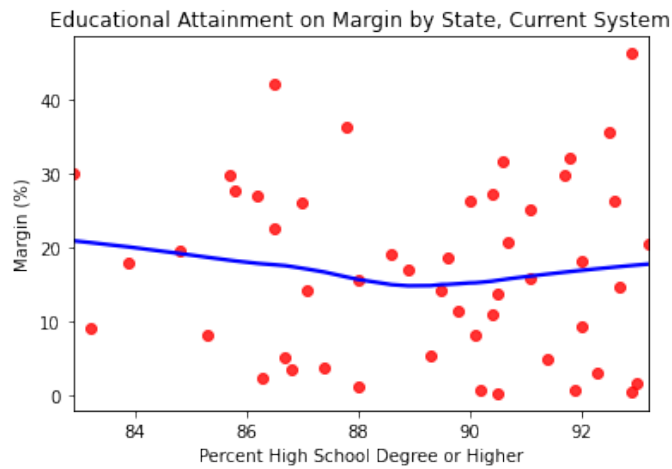
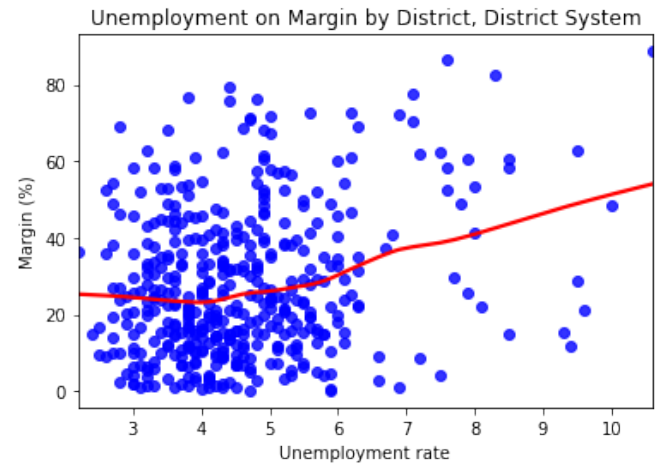
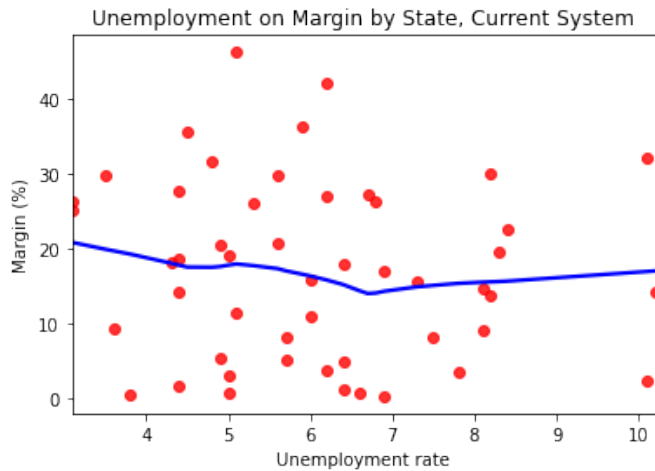


Figure 1 Predicting Swing States by Demographic Factors

The above decision tree depicts which demographic factors influence swing states under the winner-takes-all system. The decision tree demonstrates that demographic factors are not a strong predictor of whether a state is swing or not. The leaf node which gives the lowest value for margin, 9.502% is predicted only by the demographic variable of median household income. This result shows that states with a median household income somewhere between \$51,918/year and \$58,848/year are predictive of a small margin of victory, or a swing place. Even so, a margin of 9.502% is not the closest or most “swing-like” margin, which proves further evidence that demographic factors are weak predictors. Therefore, for swing states, there are other important predictor characteristics that are not demographic in nature which predict their small margin of victory, or swing-like quality.





The above eight regression plots demonstrate the correlations of these four demographic factors on margin of victory within these states and districts across the two systems. For all four of the characteristics across both states and districts the correlations are both weak and non-linear. Additionally, in both systems we see a lot of noise around the lowest smoothing lines. As with the decision tree above, these plots demonstrate further that demographic variables alone are poor predictors of margin both in states and in districts. However, on average, middle ground demographic characteristics—middle income, percent white, educational attainment, and

unemployment rate—are the best predictors of these swing places between both systems. Despite these correlations being weak, they are consistent across all demographic characteristics which strengthens this argument further. In addition, while the lowess line is smooth for the district plots, the line appears to be jagged for the state plots. The jaggedness of this lowess line is due to the smaller number of data points (only 50 states versus 435 districts) used in these regression plot. Despite the smaller sample size, however, the trend is still intact, and this is not necessarily a display of randomness.

While the two sets of regression plots have similar demographic features, the plots which represent the district system appear to have a bias towards white residents. As seen in the *Percent White on Margin by District* graph, all the districts which have a percent white score of .5 or lower have a considerably high margin of victory, indicating low levels of “swing district-ness”. Alternatively, those districts which have low margins of victory are saturated with white voters. In fact, an overwhelming majority of “swing districts” have high levels of percent white residents. Therefore, while the two systems display strikingly similar demographic populations, the district system presents a considerable bias towards white voters. This bias is notable because it contributes to the disenfranchisement of minority voters in our political process.

Overall, the data demonstrating that demographics are considerably weak predictors of swing places in either system is not shocking, even while the district system presents a white bias. These demographic factors—income, educational attainment, race, and unemployment levels—are largely strong predictors of partisanship at the extremes. Therefore, in the places which are average in nearly all of these characteristics, we would expect to see the highest levels of competitiveness. Those Americans in the middle continue to hold the greatest power, district or otherwise. Ultimately, however, the slight demographic shift which empowers white voters

under the district systems causes for both alarm and caution if it were to be formally implemented nationwide. Since the district system favors white voters, its implementation would be detrimental to incorporate into an electoral system where minorities already experience widescale voter suppression and considerably diminished political power.

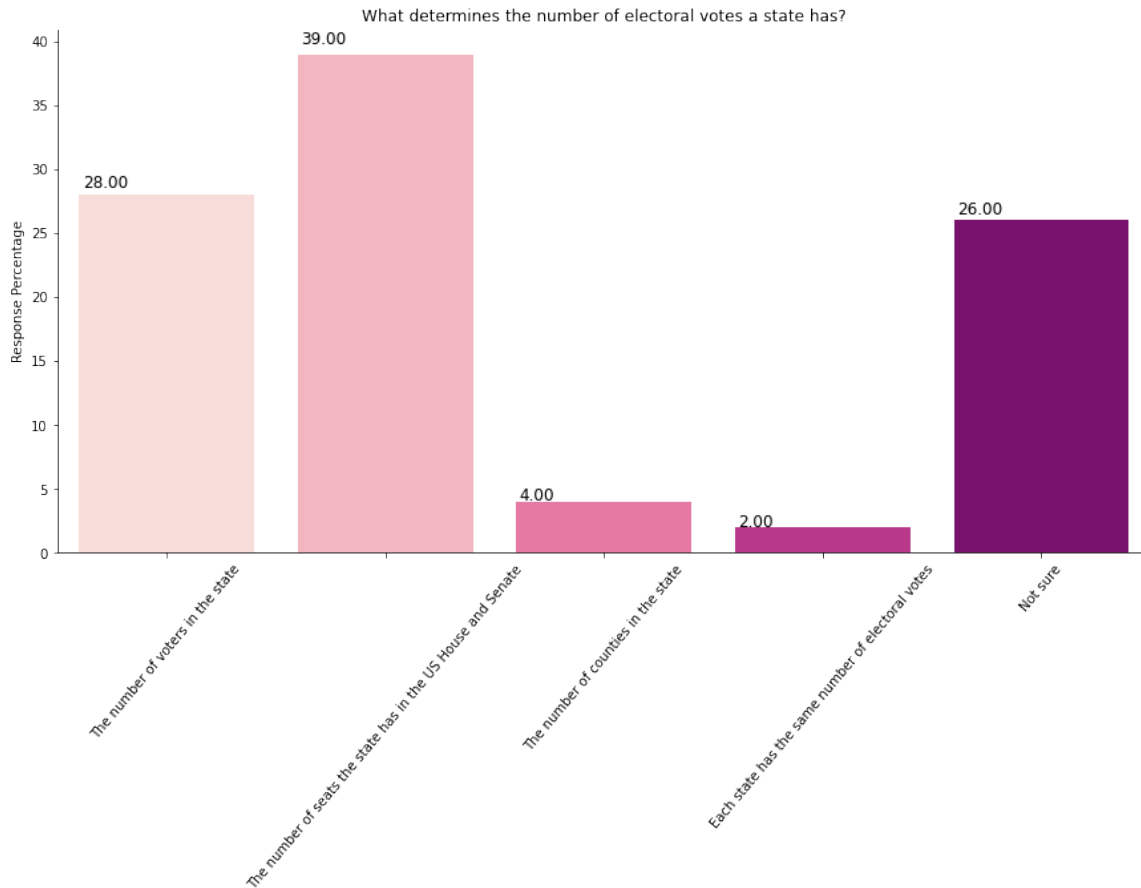
Simplicity

As stated early in this thesis in the literature review, the ability to understand our country's electoral system is essential to citizens' willingness to participate in it. Greater internal political efficacy or the self-perception that an individual is capable of understanding politics—provides more citizens with the competence and thus the confidence to participate in political acts such as (and most importantly to an electoral system) voting.¹⁶¹ Many Americans are confused by our antiquated, unnecessary, and clunky electoral system. Below, the graph discusses the results from a recent public opinion survey, conducted in 2019, by Pew Research Center. The survey asked the question amongst a sample of adults nationwide:

As you may know, presidents are chosen not by direct popular vote, but by the Electoral College in which each state casts electoral votes. What determines the number of electoral votes a state has? ... The number of voters in the state, the number of seats the state has in the United States House and Senate (Correct), the number of counties in the state, each state has the same number of electoral votes".¹⁶²

¹⁶¹ Stephen C. Craig and Michael A. Maggiotto, 84.

¹⁶² Pew Research Center, "Pew Research Center for the People & the Press, Pew Research Center: American Trends Panel Wave 57, Ipsos, (Cornell University, Ithaca, NY: Roper Center for Public Opinion Research, 2019), Dataset, DOI: {doi}." (Ithaca, NY, November 2019).

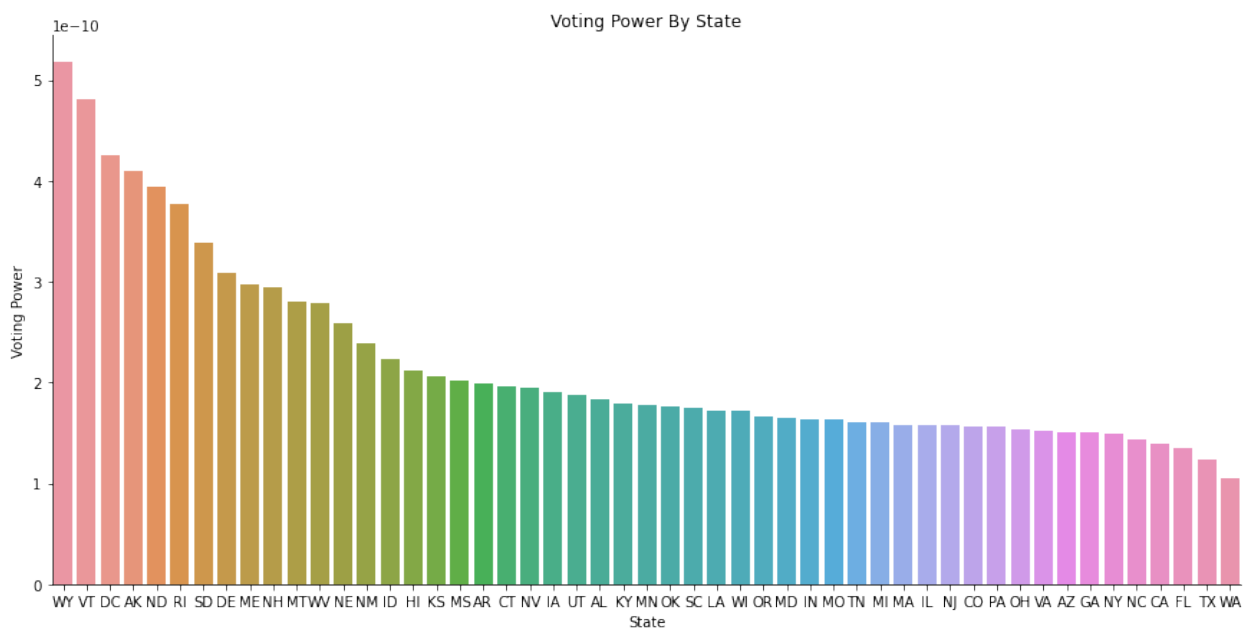
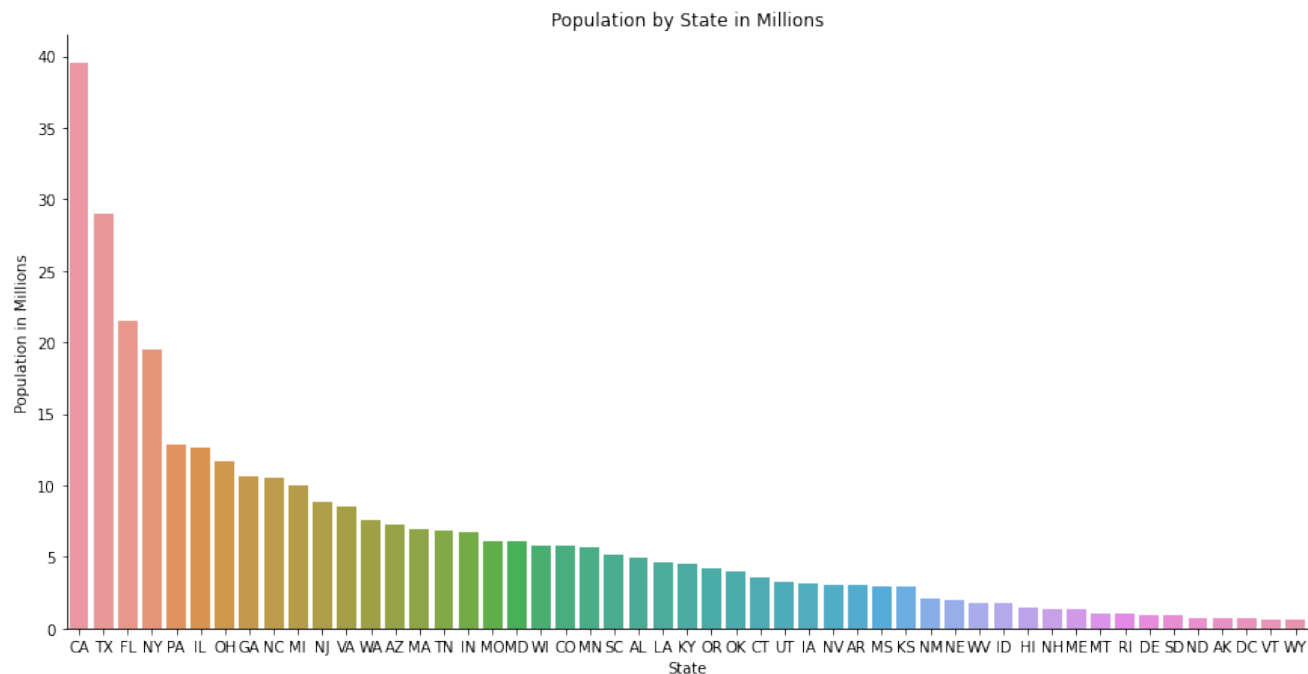


As seen in the figure, while the plurality of survey respondents states the correct answer, at 39%, a significant number said the wrong answer, *the number of voters in the state*, at 28% and an almost equivalent amount responded with, *Not Sure* at 26%. Therefore, when aggregating these numbers, a total of 54% of Americans surveyed either have incorrect knowledge about the Electoral College or are simply unsure about the answer. While this survey question fields only one specific area of the knowledge surrounding the Electoral College, and arguably it is a specific fact regarding the Electoral College that is not entirely essential to participating in it, it is certainly emblematic of a widespread problem that Americans are uninformed with how our system works and why it is the way it is. Understandably, the Electoral College is confusing, and

therefore, in implementing the district plan, we should not expect an increase in the level of ease with understanding the Electoral College, rather it would make the whole system even more complex. Therefore, while the Electoral College is complex, confusing, and widely misunderstood by many Americans, the district system would be even more complex, confusing, and require Americans to adapt to a whole new system while they may have never even fully adapted to the original system in the first place.

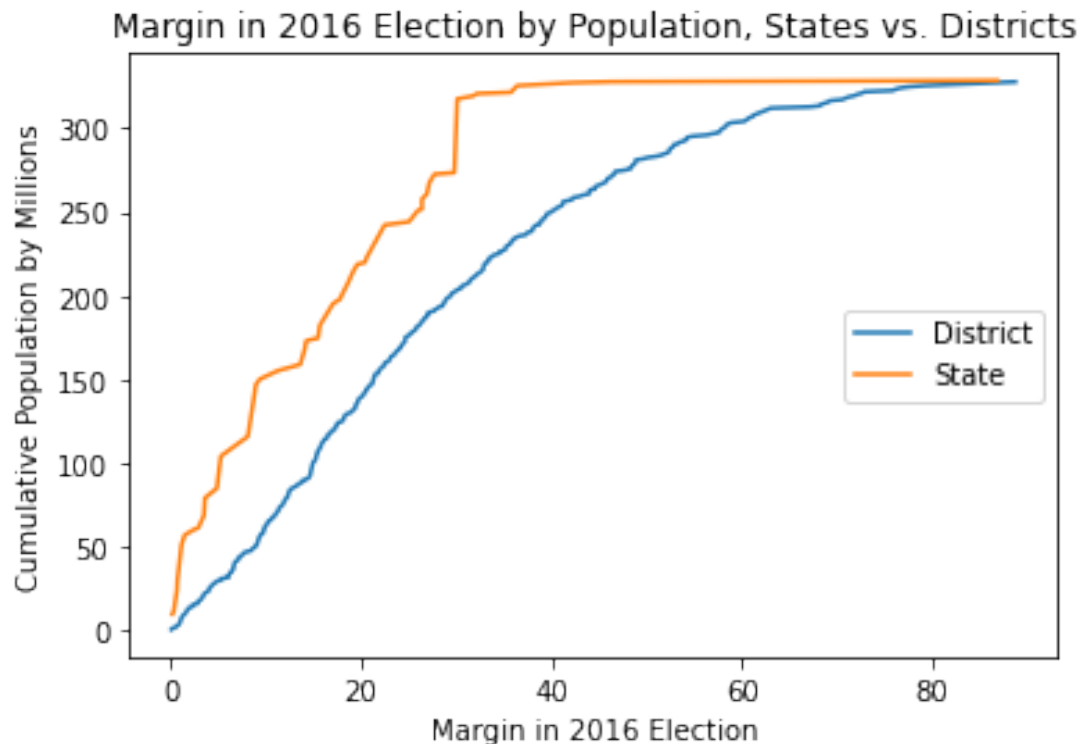
Equality

Small states are powerful in this electoral system. Due to the additional two senatorial electoral votes that each state is granted in the Electoral College, the states with the smallest populations have substantial if not disproportionate power when it comes to presidential elections. Dividing up the electoral votes per each state by the population could be an effective measure for determining voter power per person by state. For example, below are two graphs, one which represents population by state. The other graph depicts voting power by state, in which I divided the number of electoral votes by the population in each state. While voters rarely think of their individual voting power when deciding when to vote, and everyone's voting power is astronomically tiny in the grand scheme and therefore cannot be a true evaluation of power on the individual level, comparing how voting power varies on aggregate by state underscores just how differently votes matter across the country.



As seen above, California, Florida, New York, and Texas have enormous populations which overpower the rest of the country. However, on an electoral level, voters in those states hold very little voting power as depicted in the second graph. Whereas, Wyoming, Vermont,

Arkansas, and North Dakota, states which have well under a million residents, dominate in terms of electoral voting power. The Electoral College is inherently unequal between states and between individuals across the nation



While both the district system and the current winner-takes-all method use the Electoral College in the same way, in the sense that they allocate the same number of electoral votes to the same states, voting power per individual does not differ state to state. However, we can analyze voting power instead of sheer voting power per person, as whether there is an increase of the number of people who live in swing places between the two systems because the residents of swing districts often get the most attention from campaigns, politicians while in office, and get out the vote measures. Therefore, it is important to note whether swing districts

and swing states would incorporate a greater swath of the population, thereby giving greater voting power to more individuals around the country. Ultimately, as seen in the graph above, this is not the case. Even though there may be more individual swing districts, this effect is diminished when accounting for population.

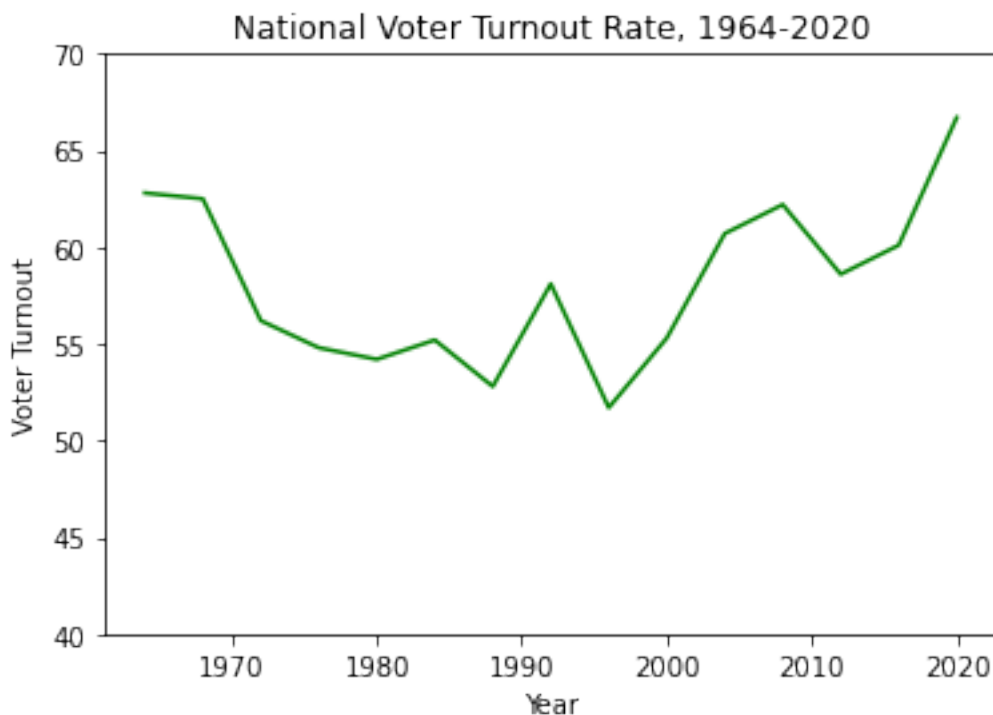
A smaller number of states gives more people greater voting power than a large number of districts. For example, as we can see in the graph, for a margin of victory in the 2016 election of approximately 10% or lower, nearly 100 million people are represented in those areas in the winner takes all method, but only 50 million people are represented under the district plan. I think this is a surprising finding because we might expect that a larger number of competitive districts across the country would result in a greater reach, however this is not the case. This section demonstrates that the Electoral College is wildly unequal, and that inequality would not change with a shift to district from the winner-takes-all system. Furthermore, even fewer people would be in the most competitive areas across the country, demonstrating one powerful way in which the current system is better than a proposed electoral shift to congressional districts.

Of course, the data represented in the graph, *Margin in 2016 Election by Population, States vs. Districts*, only utilizes marginal returns from one of the elections so it is difficult to confidently say if this result perfectly maps onto other elections and can be generalized. However, this one election certainly gives some semblance of an idea of how swing places behave and who they are comprised of—whether it is states or districts.

Participation

We crave an electoral system which will maximize voter turnout. On one hand, high voter turnout rates could indicate a healthy and well-functioning democracy. On the other hand,

high voter turnout rates could indicate frustration and a need for change on the part of the national government, especially during presidential election years. Whichever way voter turnout is interpreted as a reflection of our democracy, it is more important to this analysis, however, to determine the electoral method which maximizes voter turnout. Below is a graph of national voter turnout rates from 1964 to 2020.



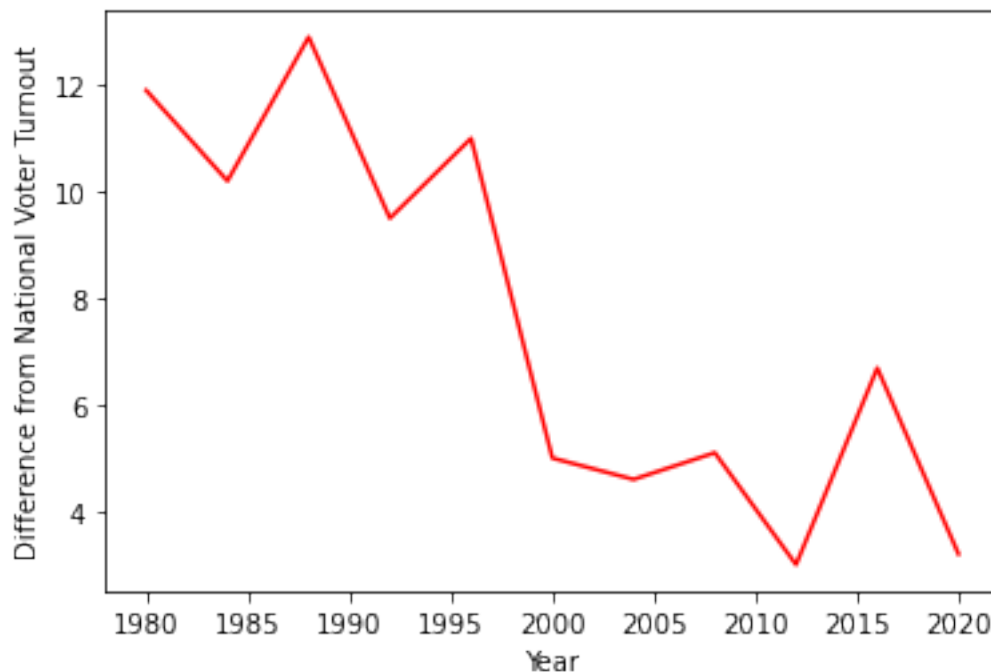
National voter turnout rates are relatively stable over time, existing between slightly under 55% and never passing 70%. There are some significant elections, which saw spikes in turnout, for example the 2008 and 2020 elections. In 2008, voter turnout was the highest since the late 1960s as seen in the graph, which many attribute to the fact that 2008 was a historic election with Barack Obama's candidacy.¹⁶³ Furthermore, it was no doubt that the 2020 election

¹⁶³ Jason L. Riley, "Opinion | What's So Great About High Voter Turnout?", *Wall Street Journal*, 4 November 2020, sect. Opinion, <https://www.wsj.com/articles/whats-so-great-about-high-voter-turnout-11604446984>.

was historic as well, which saw record voter turnout. In 2020, instead of high voter turnout reflecting a well-functioning democracy, many people swarmed the polls mostly due to deep frustration and anger with the current political system. Maintaining high voter turnout over time is a goal of electoral reformers, regardless of isolated, historic events which have prompted short-term bursts in participation.

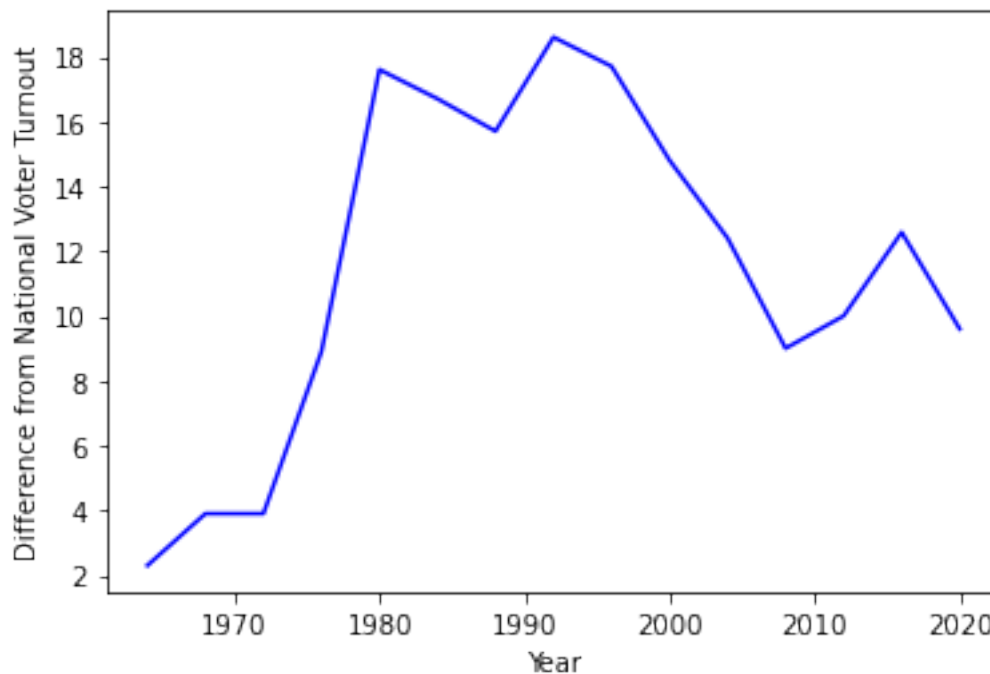
In order to understand if a transition to the district system would have any effect on voter turnout and participation, I would need to analyze how voter participation rates have changed in the two states which have actually implemented these systems: Maine and Nebraska.

Nebraska Voter Turnout Difference from National Voter Turnout, 1980-2020



Above is a graph of the national voter turnout rate subtracted from the Nebraska voter turnout rates from 1980 to 2020, therefore showing Nebraska's voter turnout rates compared to the national averages. One of the important things to note about the graph is that there are no values below 0, which indicates that turnout in Nebraska is consistently higher than the national average. However, Nebraska had relatively high voter turnout compared with the national averages before the significant date of 1992—the year when the state implemented the district plan. Overall, Nebraska has high voter turnout nationally, but it does not seem that the different electoral plan has had significant impacts on increasing voter turnout beyond its pre-district plan numbers.

Maine Voter Turnout Difference from National Voter Turnout, 1964-2020



Maine, on the other hand, tells a very different story. Voter turnout in Maine is consistently high. In many election years, Maine demonstrates a voter turnout rate well above the national average, most years 10 percentage points above the national average. Voter turnout rates

in Maine saw a substantial increase in the several decades which followed the implementation of the district plan which was in 1968. While these results cannot say anything casual about the district plan and how it has directly impacted voter turnout in these states, we can use voter turnout rates and district plan implementation to understand any correlational effects at play. Both states demonstrate higher than average voter turnout rates. However, each state tells a different story about how voter turnout has changed after the implementation of the plan. For example, in Maine voter turnout skyrocketed, and in Nebraska it tapered off.

Ultimately, it is difficult to discern if a third variable is a play here, and maybe there is a cultural difference which both states have, which not only drives their voter turnout rates to be higher than the national averages, but also motivated their citizens and policymakers to make a distinct political change by altering their electoral systems. Overall, however, it is undeniable that these two distinct states with the district plan have increased participation compared to other states across the country and that should not go unnoticed when evaluating the effect that the district plan can have on an individual's political experience and motivation to participate.

Feasibility

Electoral reform is extremely difficult to pass on the national level because of the necessity of a constitutional amendment. Nearly 700 reform proposals have been brought to congress over the past 200 years demanding reform in our electoral process, yet very few actual changes have been enacted as a result.¹⁶⁴ What will it take, then, to see any sort of changes over the next several decades if the past has proven to be dismal regarding the prospects of electoral change? I have focused on the district plan precisely because I believe of all the electoral plans it

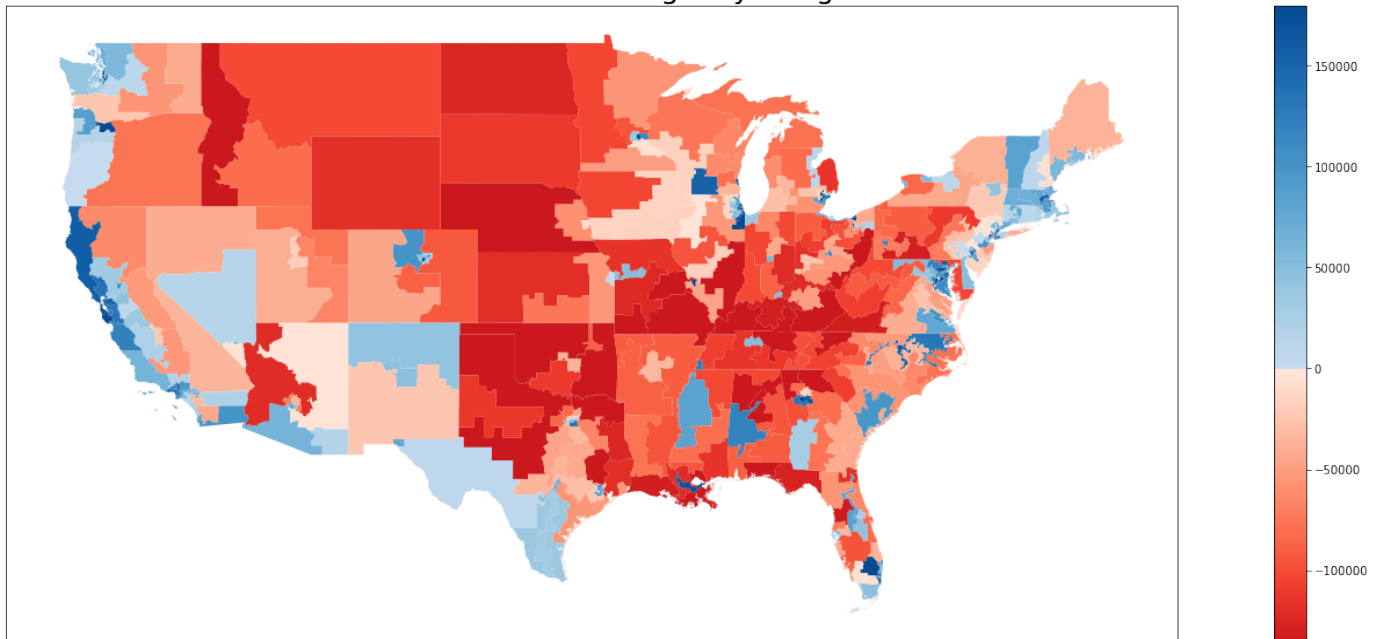
¹⁶⁴ Burdett A. Loomis, 224.

is the one which is most ripe for implementation. Not only have two states already implemented the plan, which proves promising because its already actually happened, it is the plan which closely aligns with the structures of the Electoral College already in place—therefore it is not asking for anything as revolutionary as perhaps, a direct election method might ask for.

The district plan maintains the same number of electoral votes as the winner-takes-all method which indicates that small states might be open to the plan because they are not giving up their disproportionate power. Therefore, small states might be more willing to give the plan consideration when proposed to congress, whereas that would be unlikely with a direct election proposal. Therefore, maintaining federalism is an important feature of the Electoral College that many congressmen are dedicated to maintaining in any electoral proposal. Therefore, a plan, such as the district plan, which maintains federalism, is not entirely destined for failure.

When analyzing the two states which have been successful at implementing the plan, there is little that they have in common. Therefore, the factors which contribute directly to success are unclear. Maine, for example, implemented the plan because the state's legislators were deeply involved in national electoral reform after a tumultuous national election which sparked skepticism regarding the Electoral College. Nebraska, on the other hand, implemented the plan for a very different reason. Nebraska, not at all a swing state, in fact a consistently and overwhelmingly red state, felt that the district plan might encourage more campaign attention and candidate foot-traffic to the state. However, the one thing which the states did have in common is that they had bipartisan support behind the plan. Therefore, bipartisan support is most likely the greatest indicator of success for implementing the district plan, or any electoral plan for that matter, on the state level.

2016 Presidential Election Results Margin by Congressional District



The above map visually illustrates the 2016 election returns by congressional district, specifically demonstrating the places which saw the closest margins. This map gives clarity as to which states might be most likely to successfully implement a change in how their electoral votes are allocated. States which have both red and blue districts with close margins, demonstrating gains for partisans on both sides of the aisle, for example, Nevada, Oregon, or New Mexico, might be ripe for this monumental political change. Furthermore, large states such as New York, New Jersey, California may find the plan a worthwhile investment because it would draw attention from candidates to their states in a system where they are consistently seen as not “worth it” because they are consistently blue. On the other hand, however, these blue giants, which are ultimately controlled primarily by democrats, might not want to provide any opportunities for the states to split electoral votes, giving any additional electoral votes to Republicans, even if that might increase campaign attention. Therefore, large blue states such as these could be of the least likely of all of the states to implement the district plan.

Ultimately, it is impossible to predict which places might implement electoral reform since so few places have effectively and successfully called for reform. However, we can begin to address the question of how feasible reform is by analyzing the bipartisan nature of certain places because as we have learned from Nebraska and Maine, that is the key element for electoral reform success.

Conclusion of Results

To summarize, the following table illustrates the findings of this results section, comparing the current electoral system under winner-takes-all to the proposed district plan. The shaded areas represent the plan which “wins out” when comparing the two plans. If there is no clear plan which is better, the Electoral College winner-takes-all method would dominate because it is the current system in place and therefore is preferable because it would not require reform.

Criterion	Electoral College: Winner-Takes-All Method	Electoral College: The District Plan
Legitimacy	Celebrated for translating popular vote margins well; can produce illegitimate elections where there is a discrepancy between Electoral College and popular vote winner (rare)	Better translation of popular vote margins into electoral votes; can also produce illegitimate elections which has a discrepancy between Electoral College and popular vote winner (rare)
Inclusiveness	Limited number of states which are deemed worthwhile to campaign in, creating an exclusive electoral map	Many more states which would include a “swing district”, has the potential to expand campaigning and have spillover effects

Neutrality	Weak demographic bias, middle of the road places greatest indicator of swing states	Weak but WHITE demographic bias, middle of the road places greatest indicator of swing districts
Simplicity	Complex to understand, might discourage political efficacy	Would necessarily be even more complex to understand with additional caveats to the current Electoral College system
Equality	Despite smaller states residents having disproportionate voting power in Electoral College; swing states encompass many more voters than swing districts	Small states continue to hold disproportionate voting power and far fewer people represented in swing districts than in swing states
Participation	Discourages participation in many states which residents do not feel as if their vote can make a difference	Nebraska and Maine have consistently higher turnout rates; Maine sees a spike in turnout rates after implementation of the plan, Nebraska does not.
Feasibility	No change required	Would require amendment or state ratification, but possible—two states have done it! Bipartisan support in states is the key

While these categories are not entirely black and white, and it is not easy to discern a perfect “winner”, analyzing these results on several metrics can give insight into which option might be more worthwhile for the country. Despite, the close tie between the two plans as explicated by my results and in the table above, it is still unclear if going through the hurdles of implementing an entirely new electoral plan nationwide are worth the benefits of the plan. This debate will be further scrutinized in the conclusion section of this thesis.

Conclusion

My results do not provide resounding evidence in favor of electoral reform. There are criteria in which the district plan provides more benefits than the current winner-takes-all system, however they are neither numerous nor profound. For example, the district plan might help to better legitimize elections than the current system because it better translates popular vote margins into electoral wins. However, this benefit is only marginal since the district plan would not have changed the mismatch between the popular vote winner and the Electoral College winner in the 2016 election. Furthermore, the district plan might expand the states in which campaigns prioritize leading up to the election because there are smaller swing areas in many states across the country instead of a handful of swing states. However, this effect can be overshadowed by the fact that the winner-takes-all method, while prioritizing a smaller number of swing states, still includes a larger number of voters nationwide than the district plan would.

The voter participation rates in Maine and Nebraska are higher than the national average which could be attributed to the district plan, in which residents in these key districts might feel that their votes matter more than other places in the country driving them to vote. However, I wonder if this plan were to be extended to the rest of the nation, if the “uniqueness” felt by these voters would persist nationally and the district plan would have an increased effect on voter turnout. Alternatively, there could be a third variable at play with Maine and Nebraska, wherein the same motivation behind voting is the same political motivation which encouraged both states to adopt a unique electoral plan. Not to mention, the district plan has a bias towards white voters which is concerning. This evident bias could be the *nail-in-the-coffin* finding to justify not implementing the plan nationwide. Clearly, adopting the district plan is feasible because it has been done before. However, it certainly would not be easy. Especially on the national level, as

history has clearly shown, passing an electoral reform amendment is nearly impossible.

Therefore, as my results have shown, the benefits of a new electoral plan are few and far between. I am led to ask myself if it would be worth it at all.

Ultimately, my research has left me with a newfound appreciation for the Electoral College; this is shocking to me due to the fact that I despised our current electoral system at the beginning of my research journey. At first glance, the Electoral College is seemingly corrupt, unfair, and antiquated, but I have developed a deeper understanding for the tradeoffs which have to exist to make an electoral system function. After careful analysis, the only solution which exists for the Electoral College is either to keep it and embrace it or to abolish it all together and adopt direct election. To me, no Electoral College replacement—district plan or otherwise—is particularly worth the national strife we would need to undertake to get there. Direct election, of course, comes with its own consequences. Aside from passing an amendment which would be extraordinarily arduous, election fraud would be significantly difficult to address and contain. Before November 2020, I would not have considered this to be a significant strike against the direct election plan, however with the increase in election fraud claims by the president and other high-ranking officials under a historically trusted and respected system, in addition to a violent insurrection on our capitol as a result of these bogus claims, increasing the chances for fraud is a risk we cannot take.

The United States needs a powerful force to motivate a complete overhaul of our current electoral process. Unfortunately, the political climate of today does not prove to be ripe for the circumstances of grand, structural electoral change. Hopefully, one day, we will be able to live in an America which can withstand the growing pains of revolutionary electoral reform, so that we

can build a better, brighter, and more equitable elections process where every American can feel valued.

Bibliography

- National Popular Vote. “94% of 2016 Presidential Campaign Was in Just 12 Closely Divided States,” August 16, 2016. <https://www.nationalpopularvote.com/campaign-events-2016>.
- Google Docs. “2016 Presidential Candidate General Election Events Tracker (Maintained by FairVote).” Accessed December 29, 2020. https://docs.google.com/spreadsheets/d/14Lxw0vc4YBUwQ8cZouyewZvOGg6PyzS2mArWNe3iJcY/edit?usp=sharing&usp=embed_facebook.
- “About IRC.” Accessed January 30, 2021. <https://azredistricting.org/About-IRC/default.asp>.
- Adkins, Randall E. “What Role Does the ‘Federalism Bonus’ Play in Presidential Selection?” *Publius* 32, no. 4 (2002): 71–90.
- Alexandra Kura. *Electoral College and Presidential Elections*. Huntington, NY: Nova Science Publishers, Inc., 2001.
- Brendan J. Doherty. “Electoral College Incentives and Presidential Actions: A Case for Reform?” In *Electoral College Reform: Challenges and Possibilities*. Burlington, VT: Ashgate Publishing, 2010.
- Brian J. Gaines. “Compact Risk: Some Downsides to Establishing National Plurality Presidential Elections by Contingent Legislation.” In *Electoral College Reform*. Burlington, VT: Ashgate Publishing, 2010.
- Burdett A. Loomis. “Pipe Dream or Possibility? Amending the U.S. Constitution to Achieve Electoral Reform.” In *Electoral College Reform: Challenges and Possibilities*. Burlington, VT: Ashgate Publishing, 2010.
- Center for New Media & Promotion (CNMP), US Census Bureau. “My Congressional District.” Accessed January 4, 2021. <https://www.census.gov/mycd/?st=01&cd=01>.
- Conklin, Melanie, Wisconsin Examiner January 8, and 2021. “GOP Has Bill to Reallocate Wisconsin’s Electoral Votes by Congressional District.” *Wisconsin Examiner* (blog), January 8, 2021. <https://wisconsinexaminer.com/2021/01/08/gop-eyes-bill-to-reallocate-wisconsin-electoral-votes-by-congressional-district/>.
- Craig, Stephen C., and Michael A. Maggiotto. “Measuring Political Efficacy.” *Political Methodology; Los Altos, Calif.* 8, no. 3 (January 1, 1982): 85.
- David M. Shribman. “As Maine Goes, so Goes Electoral College Reform, Maybe.” *Pittsburg Post Gazette*, October 11, 2020. <https://www.post-gazette.com/opinion/david-shribman/2020/10/11/As-Maine-goes-so-goes-Electoral-College-reform-maybe/stories/202010070072>.
- Fadem, Barry. “Supreme Court’s ‘Faithless Electors’ Decision Validates Case for the National Popular Vote Interstate Compact.” *Brookings* (blog), July 14, 2020. <https://www.brookings.edu/blog/fixgov/2020/07/14/supreme-courts-faithless-electors-decision-validates-case-for-the-national-popular-vote-interstate-compact/>.
- FairVote.org. “Maine & Nebraska.” FairVote. Accessed December 17, 2020. https://www.fairvote.org/maine_nebraska.
- FEC.gov. “Federal Elections 2016.” Accessed January 4, 2021. <https://www.fec.gov/introduction-campaign-finance/election-and-voting-information/federal-elections-2016/>.
- Gary E. Bugh. “Representation In Congressional Efforts to Amend the Presidential Election System.” In *Electoral College Reform: Challenges and Possibilities*. Burlington, VT: Ashgate Publishing, 2010.

- — —. “The Challenge of Contemporary Electoral College Reform.” In *Electoral College Reform: Challenges and Possibilities*. Burlington, VT: Ashgate Publishing, 2010.
- George C. Edwards III. *Why the Electoral College Is Bad for America*. 3rd ed. New Haven: Yale University Press Books, 2019.
- Grant Schulte. “Nebraska Splits Electoral Votes for 2nd Time in History.” *AP NEWS*, December 14, 2020, sec. Election 2020. <https://apnews.com/article/election-2020-joe-biden-donald-trump-lincoln-omaha-93fdb5a05fc62878b4fe70c2f7f6e5a>.
- Herbst, Craig J. “Redrawing the Electoral Map: Reforming the Electoral College with the District-Popular Plan Note.” *Hofstra Law Review* 41, no. 1 (2013 2012): 217–66.
- James P. Melcher. “Exploring the Difficulties of the Electoral College Reform at the State Level: Maine and Nebraska Lead the Way.” In *Electoral College Reform: Challenges and Possibilities*. Burlington, VT: Ashgate Publishing, 2010.
- Jesse Wegman. *Let the People Pick the President*. New York: St. Martin’s Press, 2020.
- Laurel Wamsley. “The Presidency Often Hinges On A Handful Of States. Some Have Made A Popular Vote Pact.” NPR.org. Accessed January 12, 2021. <https://www.npr.org/2020/11/06/931891674/as-presidency-hinges-on-a-handful-of-states-some-have-made-a-popular-vote-pact>.
- Lipsitz, Keena. “The Consequences of Battleground and ‘Spectator’ State Residency for Political Participation.” *Political Behavior* 31, no. 2 (July 29, 2008): 187. <https://doi.org/10.1007/s11109-008-9068-7>.
- “Maine.Gov: Government: EDemocracy: Elections & Voting.” Accessed December 17, 2020. https://www.maine.gov/portal/government/edemocracy/elections_voting.html.
- Mark J. McKenzie. “Systemic Biases Affecting Congressional Voting on Electoral College Reform.” In *Electoral College Reform: Challenges and Possibilities*. Burlington, VT: Ashgate Publishing, 2010.
- McDaniel, Jason. “Does More Choice Lead to Reduced Racially Polarized Voting? Assessing the Impact of Ranked-Choice Voting in Mayoral Elections.” *California Journal of Politics and Policy*; Berkeley 10, no. 2 (2018): 0_1,1-24. <http://dx.doi.org.proxy.library.upenn.edu/10.5070/P2cjpgp10241252>.
- Michael J. Korzi. “‘If the Manner of It Be Not Perfect’: Thinking Through Electoral College Reform.” In *Electoral College Reform: Challenges and Possibilities*. Burlington, VT: Ashgate Publishing, 2010.
- Michael T. Rogers. “A Mere Deception- A Mere Ignus Fatus on the People of America.” In *Electoral College Reform: Challenges and Possibilities*. Burlington, VT: Ashgate Publishing, 2010.
- Miller, Robert T. *Electoral College: An Analysis*. New York, UNITED STATES: Nova Science Publishers, Incorporated, 2011. <http://ebookcentral.proquest.com/lib/upenn-ebooks/detail.action?docID=3019540>.
- Neale, Thomas H, and Andrew Nolan. “The National Popular Vote (NPV) Initiative: Direct Election of the President by Interstate Compact,” n.d., 36.
- Oliver Whang. “This Rebel Lawmaker Preserved Nebraska’s Unique Electoral System.” *National Geographic*, November 16, 2020. <https://www.nationalgeographic.com/history/2020/11/ernie-chambers-preserved-nebraska-unique-electoral-system/>.
- Olson, Lauris. “Guides: Dave Leip’s Atlas of U.S. Presidential Elections - Data Files - Penn Libraries Data Resources: Data Files.” Accessed January 4, 2021. <https://guides.library.upenn.edu/c.php?g=594310&p=4111253>.

- Paul D. Schumacher. ““The Good, the Better, the Best: Improving on the “Acceptable” Electoral College.”” In *Electoral College Reform: Challenges and Possibilities*. Burlington, VT: Ashgate Publishing, 2010.
- Pew Research Center. “Pew Research Center for the People & the Press, Pew Research Center: American Trends Panel Wave 57, Ipsos, (Cornell University, Ithaca, NY: Roper Center for Public Opinion Research, 2019), Dataset, DOI: {doi}.” Ithaca, NY, November 2019.
- Phillips, Amber. “Nebraska Is on the Verge of Changing Its Quirky Electoral College Rules. Again.” *Washington Post*. Accessed December 18, 2020. <https://www.washingtonpost.com/news/the-fix/wp/2016/04/12/nebraska-is-on-the-verge-of-changing-its-quirky-electoral-college-rules/>.
- Richard Nunan. “As Maine Goes, So Goes the Nation? Ranked Choice Voting and STV as Antidotes to Tribal Populism.” In *Democracy, Populism, and Truth*. Springer International Publishing AG, 2020.
- Richie, Rob. “National Implications of Maine Adoption of Ranked Choice Voting.” *National Civic Review* 106, no. 1 (2017): 20–24. <https://doi.org/10.1002/ncr.21312>.
- Riley, Jason L. “Opinion | What’s So Great About High Voter Turnout?” *Wall Street Journal*, November 4, 2020, sec. Opinion. <https://www.wsj.com/articles/whats-so-great-about-high-voter-turnout-11604446984>.
- Robert M. Alexander. “Lobbying the Electoral College: The Potential for Chaos.” In *Electoral College Reform: Challenges and Possibilities*. Burlington, VT: Ashgate Publishing, 2010.
- Robert M. Hardaway. *Saving the Electoral College: Why the Popular Vote Would Undermine Democracy*. Denver, CO, 2019.
- Robert W. Bennett. “Current Electoral College Reform Efforts Among the States.” In *Electoral College Reform: Challenges and Possibilities*. Burlington, VT: Ashgate Publishing, 2010.
- Searcey, Dionne. “Could Omaha Swing the Race? In 2020, Nothing Is Impossible.” *The New York Times*, November 4, 2020, sec. U.S. <https://www.nytimes.com/2020/11/04/us/biden-nebraska-electoral-college.html>.
- Sidney Verba, Kay Lehman Schlozman, and Henry E. Brady. *Voice and Equality: Civic Voluntarism in American Politics*. Cambridge, MA: Harvard University Press, 1995.
- “SMITH, Margaret Chase | US House of Representatives: History, Art & Archives.” Accessed December 17, 2020. [https://history.house.gov/People/Listing/S/SMITH,-Margaret-Chase-\(S000590\)/](https://history.house.gov/People/Listing/S/SMITH,-Margaret-Chase-(S000590)/).
- Solly, Meilan. “Why Do Maine and Nebraska Split Their Electoral Votes?” *Smithsonian Magazine*. Accessed December 18, 2020. <https://www.smithsonianmag.com/smart-news/why-do-maine-and-nebraska-split-their-electoral-votes-180976219/>.
- Stuart, Gwynedd. “The West Is on Fire. Trump Hasn’t Bothered Mentioning It.” *Los Angeles Magazine* (blog), September 10, 2020. <https://www.lamag.com/citythinkblog/trump-wildfires/>.
- Thomas H. Neale. “The Electoral College: How It Works in Contemporary Presidential Elections.” In *The Electoral College: An Analysis*. Nova Science Publishers, Inc., 2011.
- Turner, Robert C. “The Contemporary Presidency: Do Nebraska and Maine Have the Right Idea? The Political and Partisan Implications of the District System.” *Presidential Studies Quarterly* 35, no. 1 (2005): 116–37. <https://doi.org/10.1111/j.1741-5705.2004.00238.x>.